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Knick v. Township of Scott, Pennsylvania

Supreme Court of the United States - June 21, 2019 - S.Ct. - 2019 WL 2552486 - 19 Cal. Daily Op. Serv. 5784

Property owner brought § 1983 action against township, alleging that ordinance authorizing officials to enter upon any property within the township to determine existence and location of cemetery violated her Fifth Amendment rights.

The United States District Court dismissed without prejudice, and, following property owner's filing of second amended complaint dismissed claims alleging that ordinance took the owner's property without just compensation, in violation of the Fifth Amendment, and claims for declaratory and injunctive relief, without prejudice pending exhaustion of state law remedies. Owner appealed. The United States Court of Appeals affirmed. Certiorari was granted.

The Supreme Court held that property owner has an actionable Fifth Amendment takings claim when the government takes his property without paying for it, and therefore may bring his claim in federal court under § 1983 at that time; overruling *Williamson County Regional Planning Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172, 105 S.Ct. 3108, 87 L.Ed.2d 126.

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