

Bond Case Briefs

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EMINENT DOMAIN. - DISTRICT OF COLUMBIA

Gordon v. District of Columbia

District of Columbia Court of Appeals - February 15, 2024 - A.3d - 2024 WL 630165

Property owners who sought to sell their family home filed action against the District of Columbia and several District employees, asserting constitutional and common-law claims related to the designation of the home as a historic property.

The Superior Court granted in part and denied in part the District's motion to dismiss and granted the District's motion for summary judgment on the remainder of the claims. Property owners appealed.

The Court of Appeals held that:

- Historic Preservation Office (HPO) employee was entitled to qualified immunity from property owners' Fourth Amendment claim;
- Property owners' allegations were insufficient to establish District's liability under § 1983 for HPO employee's unauthorized entry into property owners' home under a "single instance" theory;
- Property owners' allegations were insufficient to support failure-to-train claim against employee's supervisor;
- Remand was necessary on the issue of whether HPO employee was entitled to absolute official immunity from property owners' common law trespass claim;
- District's designation of property owners' home as a historic landmark was not a regulatory taking under the Fifth Amendment; and
- Historic Preservation Review Board (HPRB) hearing regarding the proposed historic designation of home did not deprive property owners of procedural due process.