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EMINENT DOMAIN - HAWAII

DW Aina Le'a Development, LLC v. State Land Use Commission

Supreme Court of Hawai'i - December 17, 2020 - P.3d - 2020 WL 7394265

Landowner brought inverse condemnation action in state court against the State of Hawai'i, challenging reclassification of its property from urban used to agricultural use.

Following removal, the United States District Court granted State's motion to dismiss on limitations grounds, and landowners appealed. The Court of Appeals certified question to the Hawai'i Supreme Court.

The Supreme Court held that six year statute of limitations applies to regulatory taking claim under the under the Hawai'i Constitution.

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