RESPONDING TO KNICK

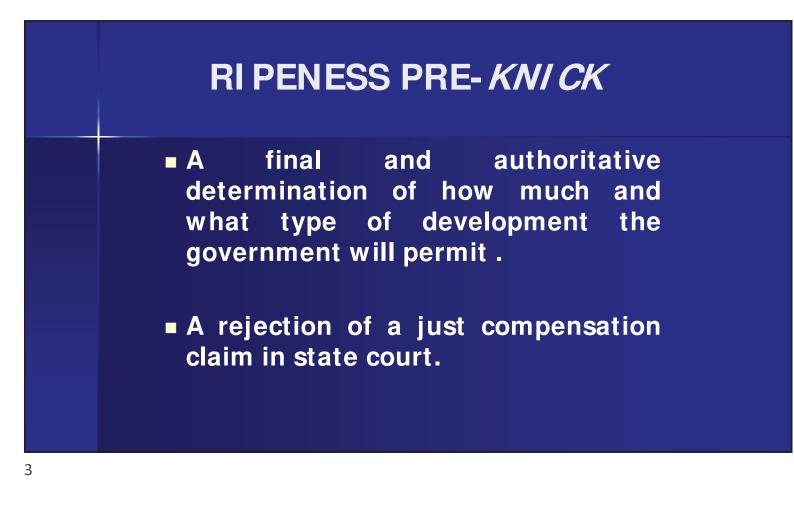
Robert F. Brown Brown & Hofmeister, L.L.P.

The University of Texas School of Law 24th Annual Land Use Planning Conference

(COVID-19 Edition)

KNI CK

Last summer, the U.S. Supreme Court issued its decision in *Knick v. Township* of Scott, Pennsylvania, _____ U.S. ____, 139 S. Ct. 2162 (2019), overruling takings precedents stretching back to the late 1800s by holding that land use litigants no longer need to seek compensation under state takings law in order to ripen their federal takings claims.



RI PENESS PRE- KNI CK Knick only addresses the state compensation ripeness requirement. Established in Williamson County Regional Planning Comm'n v. Hamilton Bank of Johnson City, 473 U.S. 172 (1985).

RI PENESS PRE-*KNI CK*

In Williamson County, a developer brought a takings claim under 42 U.S.C. § 1983 against a zoning board that had rejected the developer's proposal for a new subdivision.

The Court concluded that the developer's federal takings claim was "premature" because he had not sought compensation through the State's inverse condemnation procedure.

RI PENESS PRE-*KNI CK*

According to the Court, "if a State provides an adequate procedure for seeking just compensation, the property owner cannot claim a violation of the [Takings] Clause until it has used the procedure and been denied just compensation." Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Responding to Knick

Also available as part of the eCourse <u>Responding to Knick</u>

First appeared as part of the conference materials for the 24th Annual Land Use Conference session "Responding to *Knick*"