

HOUSE BILL REPORT

HB 2817

As Reported By House Committee On:
Government Operations

Title: An act relating to fees and costs regarding appeal of land use decisions.

Brief Description: Eliminating provisions dealing with fees and costs regarding land use decisions.

Sponsors: Representatives Cairnes, Mastin, Goldsmith, Honeyford, Sherstad, Mulliken, D. Schmidt, Morris and Elliot.

Brief History:

Committee Activity:

Government Operations: 2/2/96 [DP].

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass. Signed by 15 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; Scheuerman; D. Schmidt; Van Luven and Wolfe.

Staff: Charlie Murphy (786-7135).

Background: A 1995 law (Chapter 347 L 1995) implementing recommendations of the Governor's Task Force on Regulatory Reform adopted certain integration of growth management planning and environmental review details. A reasonable attorneys' fees and cost recovery section was included. A prevailing party or substantially prevailing party at the court of appeals or supreme court level involving substantial development permits (see Chapter 90.58 RCW), related land use determinations, and matters before the Shoreline Hearings Board could receive these fees so long as they prevailed at all earlier levels of the proceeding. The costs and fees were applicable to private as well as local units of government.

Summary of Bill: This repeals the section authorizing reasonable attorneys' fees and costs to the prevailing and substantially prevailing party.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The effects of this provision are unfair. Its adoption in 1995 was probably an oversight. The only party that seems to collect these fees has generally been the local governmental unit. Those units never rule against themselves at the lower levels of these proceedings. This provision discourages citizens from pursuing appeals.

Testimony Against: None.

Testified: Representative Cairnes, prime sponsor; Suzi Rao, Building Industry of Washington; Scott Merriman, Washington Environmental Council; and Mike Ryherd, 1,000 Friends of Washington.