

HOUSE BILL ANALYSIS

HB 2855

Title: An act relating to attorneys' fees and costs in appeals of growth management hearings boards' decisions.

Brief Description: Authorizing awarding of attorneys' fees and costs in appeals of growth management hearings boards' decisions.

Sponsors: Representatives Mastin and Grant.

Brief Summary of Bill

- Awards attorney fees to prevailing party in appeals from growth management hearings boards' decisions.

HOUSE COMMITTEE ON JUDICIARY

Staff: Mark Friendshuh (786-7291).

Background:

RCW 4.48.010 provides that, in a court action, an award of statutory attorney fees to the prevailing party "shall be allowed." The 1995 Growth Management Act includes a provision for reasonable attorney fees to be awarded to the "prevailing party or substantially prevailing party on appeal before the court of appeals or the supreme court of a decision by a county, city, or town to issue, condition, or deny a development permit" or similar land use approval or decision, if the prevailing party prevailed in all previous actions. (RCW 4.84.370).

Summary of Bill:

A new section is added to RCW 4.48 specifying that attorney fees "shall be awarded" to the prevailing party or substantially prevailing party on appeal before the superior court, court of appeals, or supreme court of a decision by a growth management hearings board, if the prevailing party prevailed in all previous actions.

Fiscal Note: Requested January 26, 2000.

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

Office of Program Research