

SENATE BILL REPORT

SB 5242

As of January 22, 1999

Title: An act relating to damages for unlawful agency actions.

Brief Description: Authorizing damages for certain persons for unlawful agency actions.

Sponsors: Senators Kline, Winsley, Wojahn and Kohl-Welles.

Brief History:

Committee Activity: State & Local Government: 1/25/99.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Staff: Diane Smith (786-7410)

Background: A cause of action for damages exists in statute for owners of a property interest in real estate who have filed an application for a permit to put the real estate to some use. If the applicant can prove that the limitation or condition put on the property by the permitting agency causes the applicant damages, then the applicant can obtain relief from the actions of the agency that are arbitrary, capricious, unlawful, or beyond the lawful authority of the agency. Damages do not include diminution in value of or damage to real property or litigation expenses.

Summary of Bill: The same cause of action for damages is extended to other property owners who have standing to oppose the granting of the permit and who have participated in the administrative process regarding the permit.

Appropriation: None.

Fiscal Note: Not requested.

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