
Local Government Committee

HB 1144

Brief Description: Concerning standing before the growth management hearings board.

Sponsors: Representatives Hoff, Vick and Eslick.

Brief Summary of Bill

- Removes the ability to establish standing to petition the Growth Management Hearings Board by participating orally or in writing in the matter when it was before a city or county.
- Removes the ability for the Governor to authorize a person or organization to bring a petition before the Growth Management Hearings Board.
- Adds the ability for a person or organization to establish standing to bring a petition before the Growth Management Hearings Board if the person or organization owns property within the boundaries of a city or county planning under the Growth Management Act, is prejudiced or will be prejudiced by the action of the city or county, and will suffer actual injury if the contested action is upheld.

Hearing Date: 1/27/21

Staff: Kellen Wright (786-7134).

Background:

The Growth Management Hearings Board (GMHB) hears petitions and resolves disputes concerning the Growth Management Act (GMA). The GMHB is comprised of five members appointed by the Governor. At least three must be attorneys from different regions of the state, and at least two must have been a city or county elected official. No more than three may be

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from the same political party, and no more than two may be from any one county. Petitions are heard by three-member regional panels. The panels generally include two members from the region where the case arose, and one member from a different region.

The GMHB is authorized to hear petitions and issue rulings on six topics. Three of the subjects are related to watershed critical area requirements. Another subject is whether the Office of Financial Management's twenty-year growth projections should be adjusted. The fifth subject covers whether a county that opted out of fully planning under the GMA in favor of partial planning was in compliance with certain requirements by January 30, 2017.

The final area on which the GMHB can hear petitions is more broad, and allows the GMHB to determine whether a state agency, a city, or a county is in compliance with the requirements of the GMA, the Shoreline Management Act, or the State Environmental Policy Act.

There are four general categories of people who have standing to file a petition with the GMHB. First, the state, or a city or county planning under the GMA. Second, a person who participated either orally or in writing before the city or county on an issue reasonably related to the matter that review is being requested on. Third, a person who is authorized by the Governor within 60 days of filing the request to the GMHB. Finally, a person who is prejudiced or likely prejudiced by the action, whose interests were required to be considered before the action was taken, and who would receive redress to the prejudice if judgment was given in their favor. A person who can establish these standing requirements includes a public or private entity, individual, partnership, corporation, association, state agency, or governmental subdivision.

If the GMHB finds that a city or county is out of compliance with the GMA, it must give the city or county a reasonable time, generally not more than six months, to come into compliance. The GMHB will then hold another hearing to determine whether the city or county has achieved compliance. If the city or county is still out of compliance, the Governor is authorized to impose sanctions. These sanctions can include the withholding of tax revenue until the city or county comes back into compliance.

Summary of Bill:

A person who owns property within the boundaries of a city or county planning under the GMA, who is prejudiced or will be by the action of the city or county, and who will suffer actual injury if the contested action is upheld, has standing to bring a petition before the GMHB. A person who participated either orally or in writing before the city or county does not have standing to bring a petition, and a person may not be authorized by the Governor to bring a petition.

Appropriation: None.

Fiscal Note: Requested on 1/19/2021.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is

passed.