

HOUSE BILL REPORT

HB 1931

As Passed House

March 13, 1997

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: By House Committee on Government Reform & Land Use (originally sponsored by Representatives Cairnes and Backlund).

Brief History:

Committee Activity:

Government Reform & Land Use: 2/26/97 [DP].

Floor Activity:

Passed House: 3/13/97, 93-2.

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: Do pass. Signed by 11 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Bush; Fisher; Gardner; Mielke; Mulliken and Thompson.

Staff: Joan Elgee (786-7135).

Background: Following the 1994 report of the Governor's Task Force on Regulatory Reform, legislation was adopted in the 1995 session (ESHB 1724) to coordinate planning and environmental review, streamline local permitting and land use appeals, and make a number of other changes in land use procedures.

One of the provisions enacted in ESHB 1724 requires an award of reasonable attorneys' fees and costs to the prevailing party or substantially prevailing party in the court of appeals or the supreme court of decisions involving zoning, building permits, site plans, shoreline permits, or similar land use decisions. The party must have substantially prevailed in all prior judicial proceedings and before the local government. A county or city is the prevailing party if its decision is upheld in superior court and on appeal.

Summary of Bill: The requirement to award reasonable attorneys' fees and costs to the substantially prevailing party on appeal of land use decisions is repealed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill passed the House unanimously last year. The current law has a chilling effect on citizens' groups. People want their claims heard in court but fear having to pay attorneys' fees.

Testimony Against: None.

Testified: Representative Cairnes, prime sponsor (pro); Mike Ryherd, 1000 Friends of Washington (pro); and Jodi Walker, Building Industry Association of Washington (pro).