

HOUSE BILL ANALYSIS

HB 1093

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: Representative Cairnes.

Brief Summary of Bill

- Eliminates the ability of the state court of appeals or state supreme court to award attorney fees and costs in land use appeals.

HOUSE COMMITTEE ON JUDICIARY

Staff: Jim Morishima (786-7191).

Background:

Generally, a local government is responsible for deciding how land may be used within its borders. A local government may make many decisions regarding land use, including granting conditional use permits and variances.

A person wishing to appeal such a land use decision, may file a petition with the superior court. The state court of appeals or state supreme court may award attorney fees and costs to a substantially prevailing party if the party substantially prevailed in all prior judicial proceedings and before the local government. A county or city is considered the prevailing party if its decision is upheld in the superior court and on appeal.

Summary of Bill:

The provision allowing the state court of appeals or state supreme court to award attorney fees and costs is repealed.

Fiscal Note: Requested February 25, 1999.

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

Office of Program Research