

SHB 2023 - H AMD 215

By Representative Taylor

WITHDRAWN 03/07/2017

1 On page 1, at the beginning of line 7, insert "(1)"

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3 On page 1, at the beginning of line 15, strike "(1)" and insert

4 "(a)"

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6 On page 2, at the beginning of line 1, strike "(2)" and insert

7 "(b)"

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9 On page 2, after line 3, insert the following:

10 "(2) Any person or persons adversely affected by the commencement
11 of a petition for review filed before the growth management hearings
12 board may bring an action in superior court to recover any attorneys'
13 fees, court costs, and actual damages relating to an affected project
14 that were reasonably incurred as a result of the growth management
15 hearings board's review of the petition, including any delay in
16 commencing or continuing the affected project as a result of the
17 review, from the person or persons who filed the petition for review.
18 A person or persons who commences an action under this section may
19 also recover exemplary damages of up to fifty thousand dollars if a
20 court determines that the primary motivation for the petition for
21 review filed before the growth management hearings board can
22 reasonably be identified as creating a delay in the underlying
23 project, increasing the expenses for the underlying project, or
24 improving the petitioner's position in future negotiations regarding
25 mitigation or other protective measures."

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EFFECT: Creates a cause of action by a person adversely affected by the filing of a petition for review before the Growth

Management Hearings Board (Board) against the person who filed the petition for review before the Board, to recover attorneys' fees, court costs, and other damages relating to an affected project that were reasonably incurred as a result of any delay caused by the Board's review of the petition. A person commencing a cause of action under this section may also seek exemplary damages of up to \$50,000 from the petitioner if a court determines that the petitioner's primary motivation in filing the petition for review before the Board can reasonably be identified as creating a delay in the underlying project, increasing the expenses for the underlying project, or improving the petitioner's position in future negotiations regarding mitigation or other protective measures.

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