

**SHB 2023 - H AMD 297**

By Representative Taylor

NOT ADOPTED 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:

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

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1           (3) In circumstances where actions are delayed due to this  
2 section, a prevailing county, city, or town may recover from the  
3 petitioner costs, attorneys' fees, and compensation for all county,  
4 city, or town employees' hours expended in defending the action. Any  
5 funds recovered pursuant to this subsection must be remitted to the  
6 planning department of the county, city, or town."

7 "

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.
- Provides that if the effective dates of certain actions are delayed because of a petition for review filed with the Board, the county, city, or town defending against the petition is eligible to recover certain costs and fees associated with defending against the petition in the event that the county, city, or town prevails in the litigation.

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