

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
<b>Vote:</b>	8 - 0 - 0
<b>Yeas:</b>	Clem, Cowan, Esquivel, Garrett, Greenlick, Hanna, Wingard, Nolan
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Cheyenne Ross, Administrator
<b>Meeting Dates:</b>	4/14, 4/21, 4/23,4/28

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**WHAT THE MEASURE DOES:** Provides process for a large number of Measure 49 claims to proceed that would otherwise be precluded that were not previously determined on the merits. Sets \$175 processing fee. Sets deadline for issuance of final orders by the Department of Land Conservation and Development (DLCDC). Directs DLCDC to investigate claims processing. Allows DLCDC to advance hardship cases. Allows DLCDC to use existing county records. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Measure 49's "express route" not express
- Lack of resources to speed-up the claims process
- No discretion to prioritize hardship cases
- Claimants able and willing to pay processing fee

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the original bill.

**BACKGROUND:** In 2004, Measure 37 was approved requiring compensation for property devaluations caused by land use regulations that took effect after a claimant took ownership of a property, or allowing waiver of the causal regulation/s. Most claims were resolved by waiver because no funding was provided for compensation. In late 2006, upwards of 7,000 claims had been filed with counties.

Then Measure 49 passed in 2007 to modify Measure 37, allowing for compensation in the form of buildable home sites and limiting the number of claims to a maximum of ten such sites. Measure 49 offered three different development alternatives for existing claimants: They could settle via an "express" or "conditional" process, or they could proceed with their claim via a "vested rights" process. The express process allowed for up to three home sites outside of an urban growth boundary, and the conditional process allowed for up to ten. Development rights were transferrable for those who chose either of the settlement options, and the conditional process required property owners to demonstrate that land use regulations caused devaluation in an amount equal to or greater than the number of home sites sought. Measure 49 also established process for future claims.

Of the alternatives available under Measure 49, most claimants chose the "express" process, for development of up to three homes. However, the timely filing and maintenance of claims has been criticized as confusing and cumbersome for claimants, and the processing of each individual claim is extremely resource-intensive for DLCDC.

House Bill 3225A would provide better and faster processing, along with providing one more opportunity for claims to proceed that would otherwise fail due to some technical requirement.

5/5/2009 9:29:00 AM

***This summary has not been adopted or officially endorsed by action of the committee.***