HB 2110   STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By:	Melissa Leoni, LPRO Analyst
Meeting Dates:	2/23, 3/23

WHAT THE MEASURE DOES:

Increases fee to file a notice of intent to appeal a land use decision or limited land use decision with the Land Use Board of Appeals to $300 and eliminates the required deposit for costs established by the board. Declares emergency, takes effect July 1, 2021.

FISCAL: May have fiscal impact, but no statement yet issued.
REVENUE: No revenue impact

ISSUES DISCUSSED:

* Process of recouping costs for local government
* Basis for fee calculation

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Land Use Board of Appeals (LUBA), created by the legislature in 1979, consists of three members appointed by the Governor and confirmed by the Senate who serve four-year terms and are eligible for reappointment. The board adjudicates land use appeals and provides consistent interpretation of state and local land use laws. The board has jurisdiction to review certain land use decisions or limited land use decisions of a local government, special district, or a state agency once the petitioner has exhausted all available remedies.

The current fee to file a notice of intent to appeal a land use decision or limited land use decision with LUBA is $200 and a deposit for costs. The deposit for costs is currently $200 as established by rule (OAR 661-010-0015). If a petition for review is not filed with the board as required by statute, the filing fee and deposit are awarded to the local government, special district, or state agency for the cost of preparing the record. Upon a final order, LUBA may award the $200 deposit for costs to the prevailing party if it is the local government, special district, or state agency whose decision is under review.

House Bill 2110 increases the filing fee to $300 and eliminates the deposit for costs, but still allows LUBA to award costs to the prevailing local government that seeks reimbursement for the cost of preparing the record.

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