

**HB 2110 STAFF MEASURE SUMMARY**

**Carrier:** Sen. Kennemer

**Senate Committee On Natural Resources and Wildfire Recovery**

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**Action Date:** 05/03/21

**Action:** Do pass.

**Vote:** 4-0-1-0

**Yeas:** 4 - Golden, Kennemer, Patterson, Prozanski

**Exc:** 1 - Heard

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Beth Patrino, LPRO Analyst

**Meeting Dates:** 4/26, 5/3

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**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. Declares emergency, takes effect July 1, 2021.

**ISSUES DISCUSSED:**

- Most recent increase in filing fee was in 2009
- A deposit for costs is held by Department of Administrative Services
- In a majority of cases, local governments do not seek an award of the deposit for costs and it is returned to the petitioner
- Change in agency procedural rules so costs will be paid directly by petitioner or losing party rather than collected and held

**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. LUBA adjudicates land use appeals and provides consistent interpretation of state and local land use laws. It reviews certain land use decisions and limited land use decisions of local governments, special districts, or state agencies after a petitioner has exhausted all other 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 plus a deposit for costs, which is established by rule and is currently \$200. If a petition for review is not filed subsequent to the notice of intent, the filing fee and deposit are awarded to the relevant local government, special district, or state agency to cover the cost of preparing the record. If a petition for review proceeds, LUBA may award the deposit for costs to the prevailing party in its final order, if the prevailing party is the local government, special district, or state agency whose decision was 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 its costs to prepare the record.