

Multiple Agency Fiscal Note Summary

Bill Number: 1781 HB	Title: Land use petitions
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Local Gov. Courts *									
Loc School dist-SPI									
Local Gov. Other **	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Ramona Nabors, OFM	Phone: (360) 902-0547	Date Published: Final 2/18/2019
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

ENPID: 56018

Judicial Impact Fiscal Note

Bill Number: 1781 HB	Title: Land use petitions	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact: Robbi Kesler	Phone: 360-786-7153	Date: 02/07/2019
Agency Preparation: Pam Kelly	Phone: 360-705-5318	Date: 02/14/2019
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 02/14/2019
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 02/15/2019

Request # 1781 HB-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Please see attached Judicial Impact Note (JIN).

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would reform the process for judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria for decision review, in order to provide consistent and timely judicial review.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

No fiscal impact

Individual State Agency Fiscal Note

Bill Number: 1781 HB	Title: Land use petitions	Agency: 110-Office of Administrative Hearings
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Part I: Estimates

No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Robbi Kesler	Phone: 360-786-7153	Date: 02/07/2019
Agency Preparation: Deborah Feinstein	Phone: 360-407-2717	Date: 02/13/2019
Agency Approval: Deborah Feinstein	Phone: 360-407-2717	Date: 02/13/2019
OFM Review: Bryan Way	Phone: (360) 902-0650	Date: 02/14/2019

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

The Office of Administrative Hearings does not hear land use appeals.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

None. The Office of Administrative Hearings does not hear land use appeals.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

None.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1781 HB	Title: Land use petitions
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Part I: Jurisdiction

Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties:
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs: Adjustments to Land Use Petition Act compliance protocols
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Increase in no. of appeals

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Allan Johnson	Phone: 360-725-5033	Date: 02/18/2019
Leg. Committee Contact: Robbi Kesler	Phone: 360-786-7153	Date: 02/07/2019
Agency Approval: Renee Martine-Tebow	Phone: 360-725-5045	Date: 02/18/2019
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 02/18/2019

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

This legislation would state the Land Use Petition Act (LUPA) will be liberally interpreted and cases and issues will not be determined on the basis of strict compliance or noncompliance with LUPA.

Interpretive or declaratory decisions would need to be in writing and state the final decision is appealable under LUPA.

Petitioners could establish a good cause reason for not exhausting administrative appeal remedies such as lack of notice or inadequate notice. The petitioner would not be precluded from seeking judicial review of the decision.

If no person is identified as a tax payer of record in the written decision would no longer be required to be served by a petition. The address in the records of the county assessor may not be used for the purposes of serving a petition.

Timelines to file a petition from the date of issuance of the land use decision are extended from 21 days to 30 days. The petition deadline may not begin unless the decision is in writing and includes the name and address of the applicant; the owner of the property at issue, each party of record and any person who filed a quasi judicial appeal and did not abandon the appeal. In the absence of these requirements the timeliness of the petition will be determined by the judicial laches doctrine; a legal right or claim will not be enforced or allowed if a long delay in asserting the right or claim has prejudiced the adverse party.

A written decision must be mailed, or provided, to the applicant and parties of record to be considered issued. Parties of record include anyone who submitted a name and address before issuance of the final decision. If the decision is considered issued when it becomes publically available, the full decision must be made available.

In the absence of parties of record, the decision is considered issued three days after being mailed, posted conspicuously on the jurisdictions website and mailed to all property owners within 500 feet of the property within the urban growth area or one-quarter mile to all owners in rural areas. Decisions must be provided to any formally recognized neighborhood organizations and community councils including the property at issue.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This legislation would revise and expand the requirements for jurisdictions in the issuance of land use decisions. The changes would affect the number of parties to which the decision must be provided to and would extend the period under which appeals may be filed. It would also extend the conditions under which an appeal could be pursued. These changes would increase local government expenditures by an indeterminate amount.

DISCUSSION:

The magnitude of changes to local government expenditures cannot be predicted with accuracy and will depend upon the number of occurrences in which these new provisions would result in material changes to the notification of final land use decision and appeal period of that decision. In addition, the number of properties, parties of record and recognized neighborhood organization or community councils will vary depending upon the location of projects and can't be estimated in advance. In some cases, it could result in significant, but indeterminate, extension to the length of some appeals as a result of the liberal interpretation clause of this bill determining when a party may appeal a decision.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

This legislation would not impact local government revenue.

SOURCES:

American Planning Association Washington Chapter
Municipal Research Services Center
Washington State Association of Counties