## Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

**Part I: Measure Information** 

Bill Request #: 1355
Bill #: HB 322
<b>Document ID #:</b> 3774
Bill Subject/Title: AN ACT relating to planning and zoning enforcement action appeals.
Sponsor: Representative Jim Gooch, Jr.
Unit of Government: X City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Local planning and zoning units of local government
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

This measure would allow affected parties to recover court costs and reasonable attorney's fees from the planning unit after filing an appeal of an action where the appeal is upheld and considered final, due to the underlying zoning regulation or ordinance is found to be arbitrary, unenforceable, or unconstitutional.

This measure has the potential to have significant cost implications to local planning agencies in city or county governments. Estimates of recoverable costs are not determinable because the scope and size of each appeal will be different.

While any reimbursement of costs to a successful appellant will have a negative financial impact on a planning unit, the severity of that impact would be determined by the overall budget and size of the planning unit. Counties outside of the metropolitan areas of the state and the counties with low population densities generally do not have the volume of applications and associated fees to cover costs of administering their offices. There are also 24 counties in the state that do not have a planning or zoning entity.

Kentucky League of Cities has indicated that it is not likely that errors and omissions insurance will cover reimbursement costs allowed under this measure.

## Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

**Data Source(s):** Owensboro Metropolitan Planning Commission; Planning units in cities of

Frankfort, Mayfield, Springfield; County Planning units in Washington

and Franklin Counties; Kentucky Chaper of American Planning

Association; Kentucky League of Cities

**Preparer:** Mark Offerman **Reviewer:** KHC **Date:** 2/16/18