

February 25, 2019



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Oregon Progressive Party Position on Bill at 2019 Session of Oregon Legislature:

SB 8: Oppose

Dear Committee:

The Oregon Progressive Party opposes this bill, which would require petitioners to pay costs and attorney fees, including on appeal, to prevailing intervening developers of affordable developments that were approved by local government.

This would effectively shield such developments from legal challenge by public interest advocates. The legal bills of the developers would likely be inflated into the hundreds of thousands of dollars. The prospect of such liability will immunize the developments, whether or not there are valid legal reasons for opposition.

This is in many ways a pro-SLAPP bill. SLAPP means "strategic litigation against public participation." The Oregon Legislature enacted ORS 31.150 et seq. to protect public participation in government proceedings. This would accomplish the opposite.

Note that ORS 197.830(15)(b) already enables LUBA to award reasonable attorney fees against a "party who[m] the board finds presented a position without probable cause to believe the position was well-founded in law or on factually supported information." So SB 8 would destroy only the opportunity to present well-founded opposition.

Note that this bill does not require developers to pay the legal bills of public interest advocates who prevail against them before administrative agencies or in court.

Oregon Progressive Party

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