

H.B. 289 PROPERTY RIGHTS OMBUDSMAN AMENDMENTS



ABOUT THIS BILL

This bill is intended to protect private citizens from unjust rulings. If a citizen takes a claim to the Ombudsman, and both the Property Rights Ombudsman and a judge rule in favor of the private citizen, the private citizen's attorney fees and damages can be paid by the city.

It should not cost a private citizen everything they have to fight for their rights. This bill guarantees that the constitutional rights of a private citizen shall be protected.

**UTAH IS THE ONLY STATE
IN THE NATION
WITHOUT
A PRIVATE ATTORNEY
GENERAL CLAUSE TO
PROTECT THE RIGHTS OF
PRIVATE CITIZENS**

KEY POLICY POINTS

- A party who prevails in court on an issue that the Office of Property Rights Ombudsman previously decided in the party's favor is entitled to an award of attorney fees
- A request for an advisory opinion shall be filed with the Office of the Property Rights Ombudsman; and accompanied by a filing fee of \$150.
- The party may be entitled to a civil penalty and consequential damages.
- Nothing in this section is intended to create a new cause of action under land use law.
- The judge shall have discretion as to whether or not the private citizen is entitled to collect consequential damages and civil penalty in certain circumstances

