

*"(iii) For actual damages caused to the person by any improvements or use allowed by the authorization."*

Response: Almost all the damage in question will be to property, as distinguished from "the person." The bill should read "person or property."

2. p, 6, l. 2 now reads:

*"(b) An allegation that a respondent is violating a board order or land use decision is sufficient to state a claim for which relief can be granted under subsection (3)(b) of this section without regard to whether the respondent is a property owner, applicant or a party to the board order or land use decision."*

Response: The word "respondent" standing alone does not cover all litigants. I would universally state: "respondent or defendant." An additional term may have to be added to include parties to a mandamus, in which the applicant or developer is not initially named but intervenes. A little further work by Legislative Counsel could clarify the thrust of the bill.

A good land use planning system requires certainty rather than gamesmanship. As mentioned, I fully support this rational proposal and would work with the committee and the legislature to implement it.

Thank you for your consideration.

Sincerely,



Edward J. Sullivan