



Sponsor: Rep. B. Ennis & Sen. Vaughn ;
Reps. Brady, D. Ennis, Houghton, Keeley,
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West

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 70

AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO THE PREPARATION
OF TRANSCRIPTS AND THE AWARDING OF COSTS ON APPEALS FROM THE BOARD OF
ADJUSTMENT TO THE SUPERIOR COURT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 331, Chapter 3, Title 22 of the Delaware Code by adding a new sentence at the
2 end thereof to read:

3 "The cost of a transcript of the hearing appealed from is the responsibility of the person
4 appealing the decision, unless the cost is awarded against the Board as provided in § 332 of this
5 chapter."

6 Section 2. Amend § 332, Chapter 3, Title 22 of the Delaware Code by adding a new sentence at the
7 end thereof to read:

8 "For purposes of this section, the word 'costs' includes all fees paid or owed to the
9 Prothonotary's Office in connection with the appeal to the Superior Court and all documented out-of-
10 pocket expenses incurred by the Board of Adjustment in preparing, filing, and serving sufficient copies
11 of the record of the proceedings appealed from, including but not limited to expenses for
12 photocopying, copying and/or duplication of survey drawings or plots, audio tape recordings, video
13 tape recordings, and computer discs, and expenses for preparing the transcript of the hearing."

SYNOPSIS

This Act provides that the cost of the transcript and other out-of-pocket expenses incurred when a board of adjustment decision is appealed are the responsibility of the person appealing the decision unless the cost is awarded against the Board of Adjustment as provided in § 332. This situation is costing local municipalities significant sums, even when their decisions have been upheld.