

# IMPACT FEE ACTS

## 2007 UPDATES

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# GEORGIA H.B. 232

- EXPENDITURE OF TRANSPORTATION IMPACT FEES AND SERVICE AREA RESTRICTIONS



- (c)(1) Development impact fees, collected for roads, streets, bridges, including rights of way, traffic signals, landscaping, or any local components of state or federal highways, shall be expended to fund, in whole or in part, system improvement projects:

# FACTORS IN DECIDING WHERE ROAD I. FEES CAN BE SPENT

- (B) That are chosen by a municipality after consideration of the following factors:
- (i) The proximity of the proposed system improvements to developments within the service area which have generated development impact fees collected for roads, streets, bridges, including rights of way, traffic signals, landscaping, or any local components of state or federal highways; and

- (ii) The proposed system improvements which will have the greatest effect on level of service for roads, streets, bridges, including rights of way, traffic signals, landscaping, or any local components of state or federal highways impacted by the developments which have paid such impact fees.

# AGREEMENT WITH DEVELOPER

- (2) Where the expenditure of development impact fees paid by a development is allocated to system improvements in the general area of such development, through an agreement between the municipality and the developer and such agreement is approved by the governing body, the analysis required by subparagraph (B) of paragraph (1) of this subsection shall not be applicable.

# ATLANTA ONLY

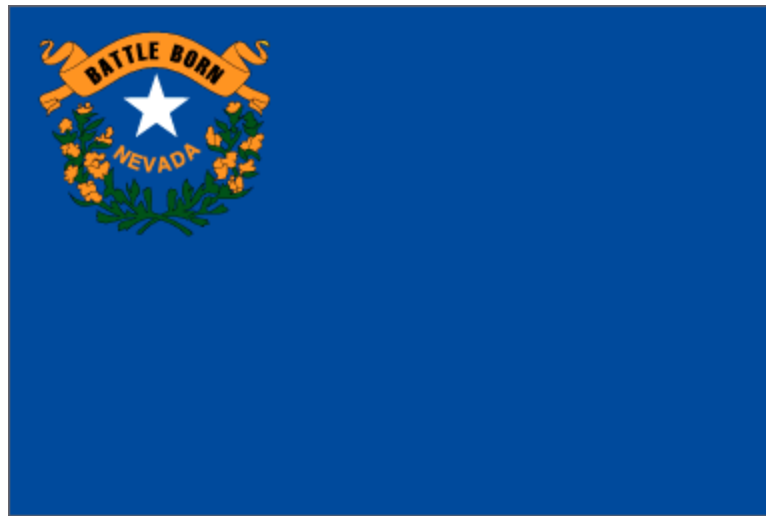
- (3) The provisions of this subsection shall only apply to municipalities that have more than 140,000 parcels of land.

# ATLANTA ONLY

- (2) In municipalities that have more than 140,000 parcels of land, the portion of the annual report relating to development impact fees collected for roads, streets, bridges, including rights of way, traffic signals, landscaping, or any local components of state or federal highways shall be referred to such municipality's most recently constituted Development Impact Fee Advisory Committee which shall report to the governing body of such municipality any perceived inequities in the expenditure of impact fees collected for roads, streets, bridges, including rights of way, traffic signals, landscaping, or any local components of state or federal highways."

# NEVADA

- AB 253

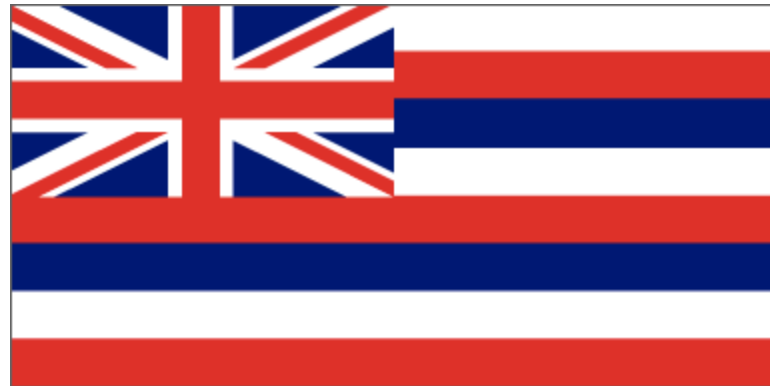


# SERVICE AREAS REVISITED

- Assembly Bill 253 prohibits the use of a single jurisdiction-wide service area, except for cities with less than 10,000 residents or counties with less than 15,000 residents.

# HAWAII

- ACT 245 EFFECTIVE
- EFFECTIVE July , 2007



# Act 245

- Department of Education to designate "school impact districts" where new residential construction
- would be subject to the payment of school impact fees, and to calculate fees for such areas.
- Prior to receiving this authority, the Department of Education would ask the counties and State Land Use
- Commission to condition land use and zoning approvals on a requirement that developers negotiate
- with the Department for appropriate land dedications or fee payments.

# ARIZONA

- Senate Bill 1423



# INFRASTRUCTURE IMPROVEMENTS PLAN

- Arizona modified its municipal impact fees statute by requiring broadly-defined “infrastructure improvements plans.”

# DEFINITION

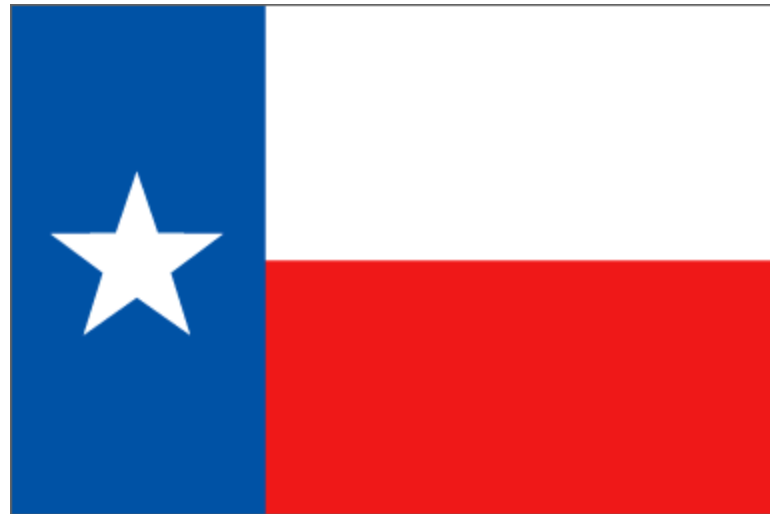
- INFRASTRUCTURE IMPROVEMENTS PLAN MEANS ONE OR MORE WRITTEN PLANS THAT INDIVIDUALLY OR COLLECTIVELY IDENTIFY EACH PUBLIC SERVICE THAT IS PROPOSED TO BE THE SUBJECT OF A DEVELOPMENT FEE AND OTHERWISE COMPLIES WITH OTHER PROVISIONS OF THE STATUTE AND MAY BE THE MUNICIPALITY'S CAPITAL IMPROVEMENTS PLAN

# ADDITIONAL CHANGES

- allows automatic indexing of fees if identified in the impact fee study
- puts a two-year limitation on municipality's ability to collect fees and
- modifies notice and phase-in requirements.

# TEXAS

- The Texas legislature exempted public schools from the payment of impact fees.  
Senate Bill 883



# FLORIDA

- SB 576
- DID **NOT** PASS



# WOULD HAVE PROVIDED

- THAT IMPACT FEE ORDINANCES ADDRESS WHETHER A CREDIT WILL BE GRANTED TO THE DEVELOPER FOR:
  - 1. Future tax payments
  - 2. In-kind payments of infrastructure ..such as land for a school or road
  - 3. Funds from sources such as state and federal grants

# ALSO WOULD HAVE

- Prohibited collection of impact fees before a certificate of occupancy is issued.
- ????????

# CONCLUSIONS

- MUCH ADO ABOUT NOTHING?
- SENSITIVE ISSUES TO DEVELOPERS
  - 1. Lose in court – win in Legislature
  - 2. Those who pay – benefited?
    - A, Service areas
    - B. Which improvements
  - 3. When collected

# CONCLUSIONS CONT.

- Sensitive Issues to Local Government
  - What governmental entities pay impact fees
  - What is on your list of changes you (developer/local government ) would like to see in your Act?

# STAY UP-TO-DATE

- CLANCY MULLEN'S STATE ENABLING ACTS/RECENT DEVELOPMENTS AT
- [WWW.IMPACTFEE.ORG](http://WWW.IMPACTFEE.ORG)