



Impact Fee Legislation and Average Fees

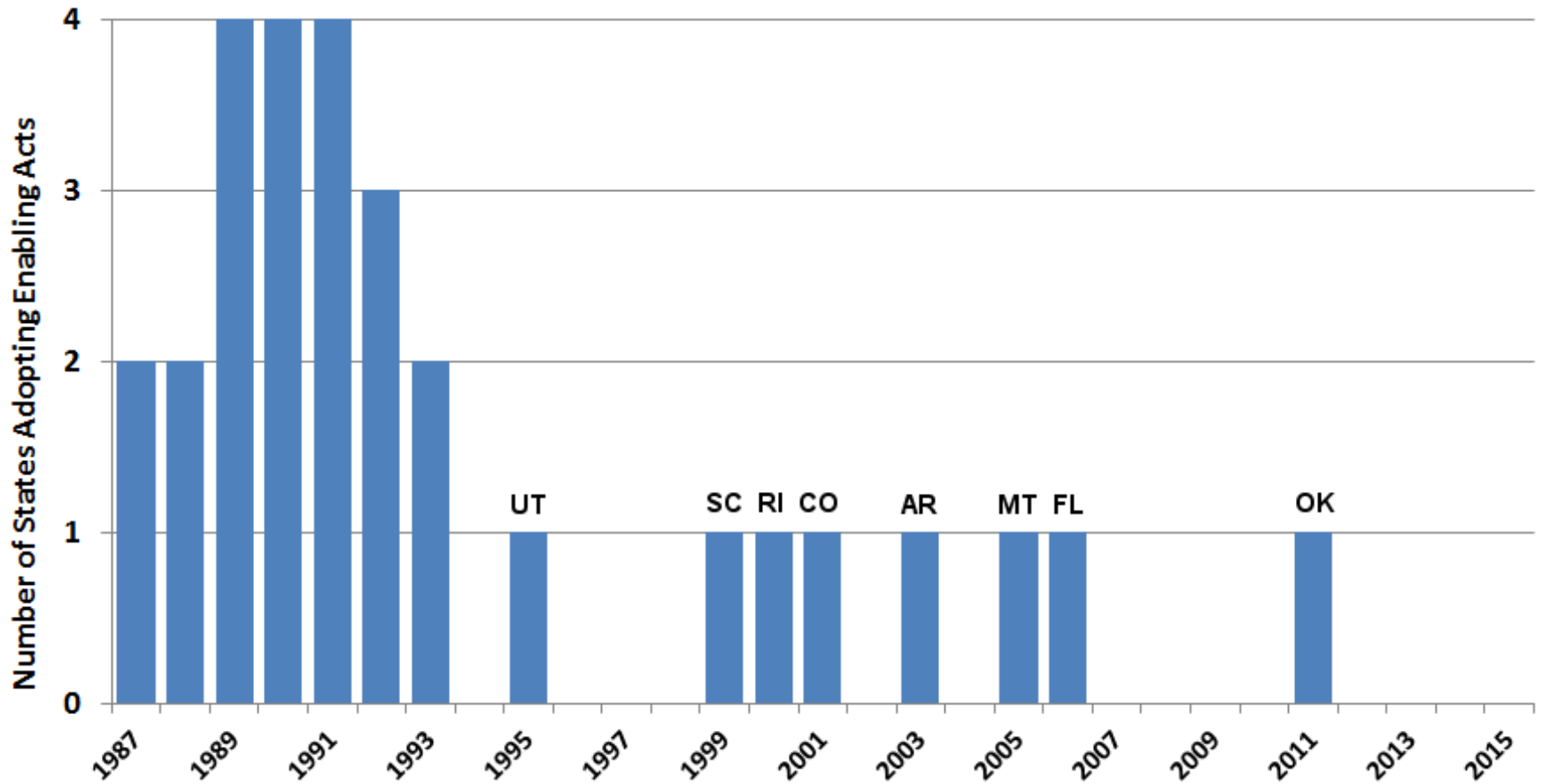
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State Enabling Acts by Year



Facilities Authorized

State	Roads	Water	Sewer	Storm Water	Parks	Fire	Police	Library	Solid Waste	School
Arizona (cities)										
Arkansas (cities)										
California										
Colorado										
Florida										
Georgia										
Hawaii										
Idaho										
Illinois										
Indiana										
Maine										
Maryland										
Montana										
Nevada										
New Hampshire										
New Jersey										
New Mexico										
Oklahoma										
Oregon										
Pennsylvania										
Rhode Island										
South Carolina										
Texas (cities)										
Utah										
Vermont										
Virginia										
Washington										
West Virginia										
Wisconsin (cities)										

Basic Principles

State	Guiding Terms	No Higher LOS	Construction Credits	Revenue Credits	Fund Waivers
Arizona	reasonable relationship		■	■	■
Arkansas	reasonably attributable				
California	reasonable relationship	■	■	■	
Colorado	directly related	■	■		
Florida	dual rational nexus test (case law)				
Georgia	proportionate share; reasonably related	■	■	■	■
Hawaii	proportionate share; reasonably attributable	■	■	■	
Idaho	proportionate share; reasonably relates	■	■	■	■
Illinois	proportionate share; specifically and uniquely attributable	■	■	■	
Indiana	proportionate share		■	■	■
Maine	reasonably related		■		
Maryland	required to accommodate new construction				
Montana	proportionate share; reasonably relates	■	■	■	
Nevada	necessitated by and attributable to		■		
New Hampshire	proportionate share; reasonably related				
New Jersey	fair share; reasonably related	■	■		
New Mexico	proportionate share; necessitated by and attributable to		■		
Oklahoma	proportionate share		■	■	■
Oregon	equitable share		■	■	
Pennsylvania	necessitated by and attributable to	■	■	■	
Rhode Island	proportionate share; reasonably relates	■	■		
South Carolina	proportionate share; reasonably relates	■	■	■	■
Texas	necessitated by and attributable to	■	■	■	
Utah	proportionate share; roughly proportionate; reasonably related	■	■	■	■
Vermont	proportionate share		■		
Virginia	necessitated by and attributable to		■	■	
Washington	proportionate share; reasonably related	■	■	■	■
West Virginia	proportionate share; reasonably attributed	■	■	■	■
Wisconsin	proportionate share	■	■		

Study Requirements

State	Written Analysis	Service Areas	List of Projects	Growth Projections	LOS Standards
Arizona (cities)	■	■	■	■	■
Arizona (counties)	■		■		
Arkansas	■		■		■
California	■		■	■	
Colorado					
Florida					
Georgia	■	■			■
Hawaii					■
Idaho	■	■	■	■	■
Illinois	■	■	■	■	■
Indiana	■		■	■	■
Maine					
Maryland					
Montana	■	■	■	■	■
Nevada	■	■	■	■	
New Hampshire					
New Jersey	■		■	■	
New Mexico	■	■	■	■	
Oklahoma	■	■	■		
Oregon	■		■		
Pennsylvania	■	■	■	■	■
Rhode Island	■		■		■
South Carolina	■	■	■	■	■
Texas	■	■	■	■	
Utah	■	■	■		
Vermont	■	■	■		■
Virginia	■	■	■	■	
Washington		■			
West Virginia					■
Wisconsin	■	■	■		

Procedural Requirements

State	Advisory Committee		Hearing Notice	Fee Phase-in	Time to Collect	Spending Limit	Update Frequency
	Size	Dev. Rep.					
Arizona (cities)	5+(1)	50%	60 days	75 days	bldg. permit	10 yrs (2)	5 years
Arkansas					cert. of occ.	7 years	
California			30 days	60 days	cert. of occ.	5 years	
Colorado					any time		
Florida				90 days	any time		
Georgia	5-10	50%			bldg. permit	6 years	
Hawaii			15 days		bldg. permit	6 years	
Idaho	5+	2+	2 wks		bldg. permit	8 yrs (4)	5 years
Illinois	10-20	40%	30 days		bldg per/CO	5 years	5 years
Indiana	5-10	40%			bldg. permit	6 years	5 years
Maine					any time		
Maryland					any time		
Montana	n/a	1			bldg. permit		
Nevada	5+	n/a	20 days		bldg. permit	10 years	3 years
New Hampshire					cert. of occ.	6 years	
New Jersey					bldg. permit		
New Mexico	5+	40%	zoning		bldg. permit	7 years	5 years
Oklahoma	planning commission		15 days		bldg. permit		annual report
Oregon			90 days		any time		
Pennsylvania	7-15	40%	2 wks		bldg. permit		
Rhode Island					cert. of occ.	8 years	
South Carolina					bldg. permit	5 years	
Texas	5+	40%	30 days		bldg. permit	10 years	5 years
Utah			2 wks	90 days	any time	6 years	
Vermont					any time	6 years	
Virginia	5-10	40%			bldg. permit	15 years	2 years
Washington					any time	6 years	
West Virginia				60 days	any time	6 years	
Wisconsin			1 week		bldg. permit	7 years	

Changes to State Acts, Last 10 Years

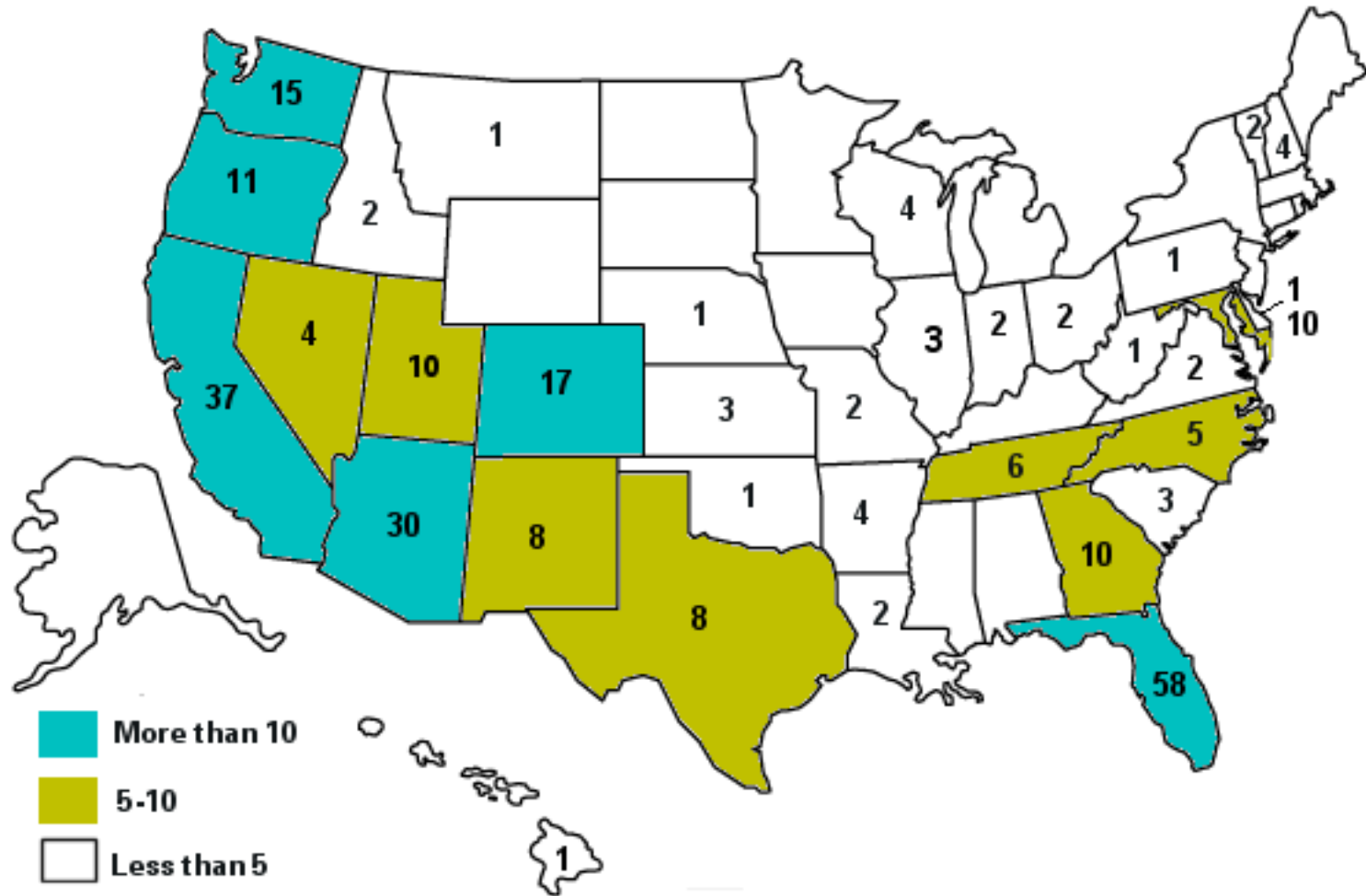
- ❑ 2006 – WI: repealed fee authority for counties
- ❑ 2007 – NV: prohibited jurisdiction-wide service areas
- ❑ 2008 – UT: imposed 90-day waiting period for increases
- ❑ 2009 – FL: put burden of proof on local government
- ❑ 2009 – AZ: imposed 2-year freeze on fee increases
- ❑ 2011 – AZ: passed more restrictive enabling act for cities
- ❑ 2011 – UT: restricted fees to original costs, not current costs
- ❑ 2011 – WA: exempted homes w/sprinklers from fire fees
- ❑ 2011 – OK: passed new enabling act for cities
- ❑ 2012 – WA: required low-cost housing to deed-restrict



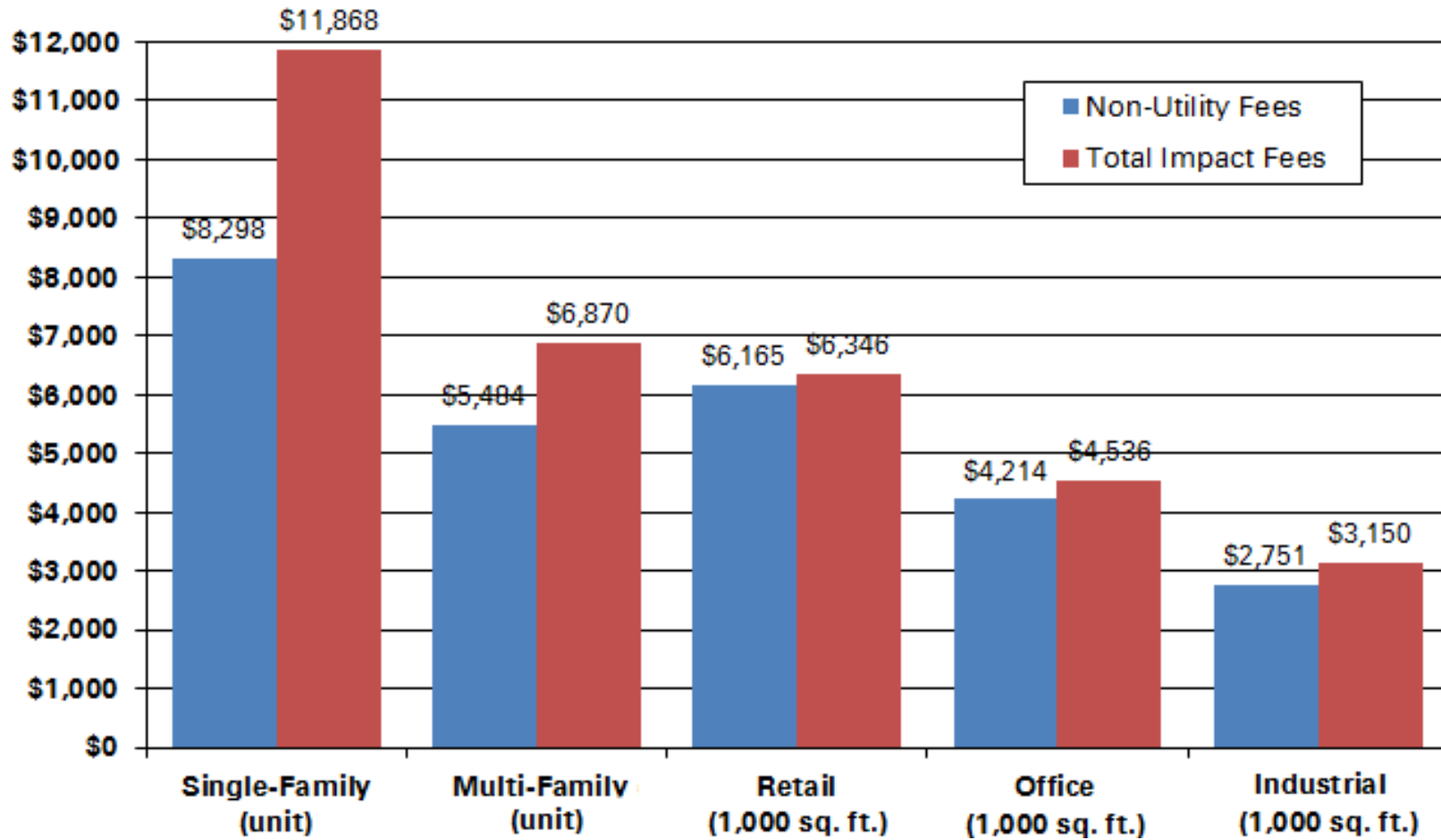
National Impact Fee Survey

- Conducted annually from 2003-2012; updated for 2015
- Has grown from 158-271 jurisdictions
- Includes fees for roads, water, wastewater, drainage, parks, library, fire, police, general government, schools, other
- Five major land use categories; single-family, multi-family, retail, office, industrial

National Fee Survey Jurisdictions



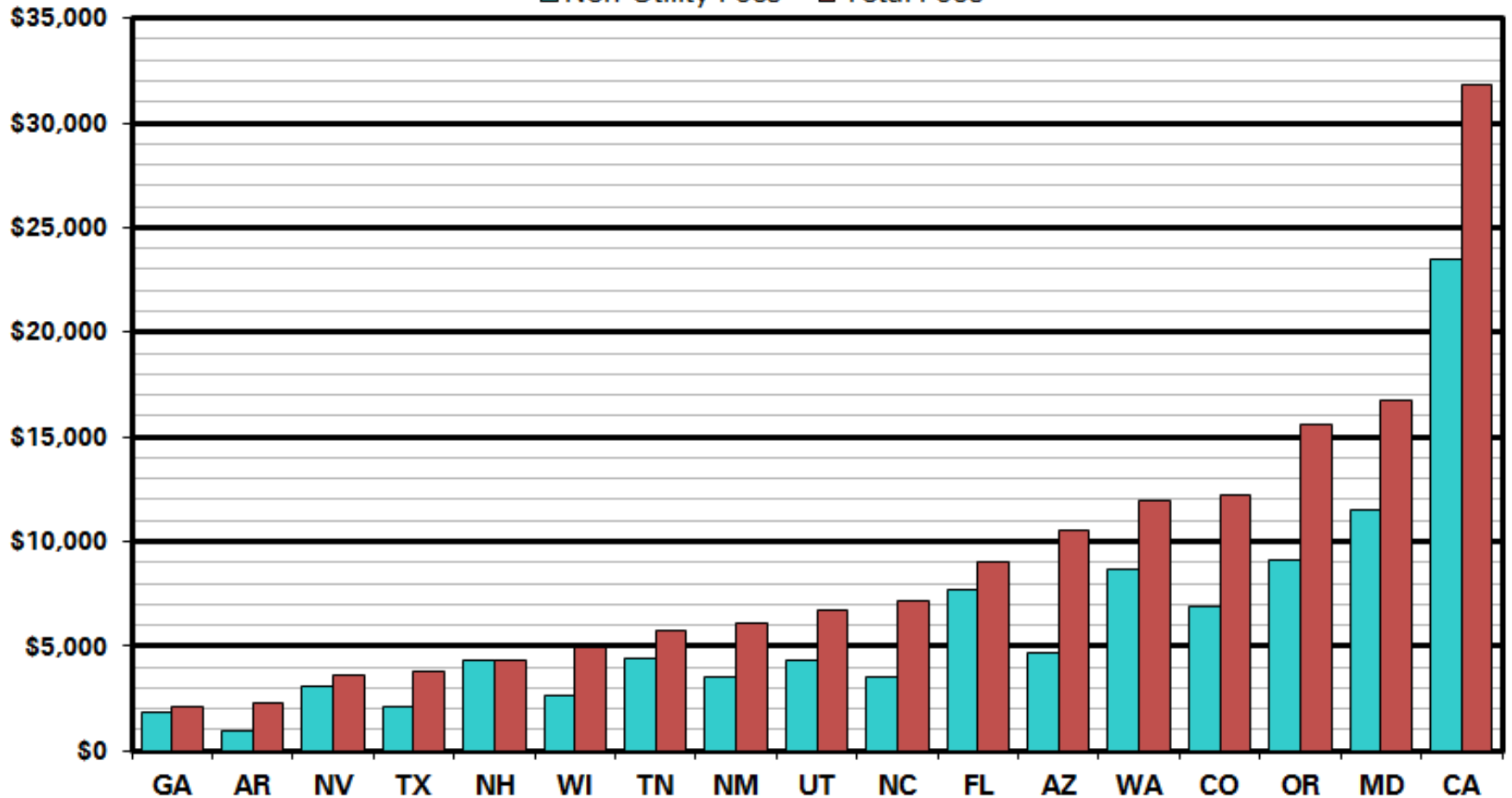
Average Fees by Land Use, 2015



Average Fees by State, 2015

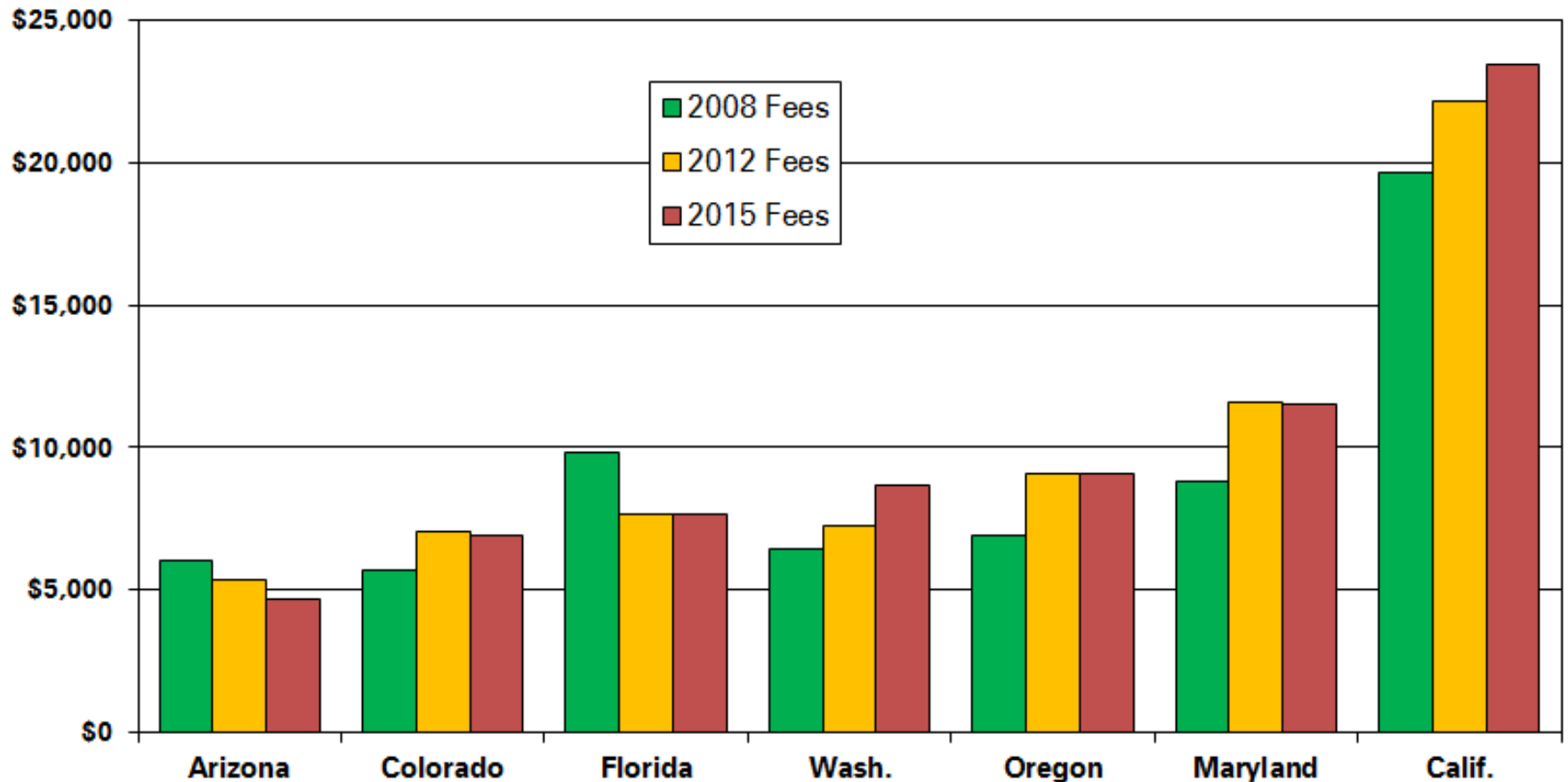
Fees per Single-Family Unit

■ Non-Utility Fees ■ Total Fees



Average Fees by State, 2008-2015

Average Total Non-Utility Fee per Single-Family Unit





Resources

- Source information for this presentation
 - Go to www.growthandinfrastructure.org
 - Click on “Resources” tab
 - Look under “Legal Resources” for summary of enabling acts
 - Look under “Fee Surveys” for national impact fee survey

- All presentations will be available at GIC website
 - Go to www.growthandinfrastructure.org
 - Click on “Conferences” tab