

Statutory History of  
**Impact Fees**  
(through 2009 General Session)

**Prior to 1995**

- No provisions in statute
- Cities believed they had the power to impose impact fees
- Many cities were imposing impact fees
- Home Builder's Assn concerned about the cost of building homes

**1995 General Session**

- H.B. 32 - prohibited school impact fees (money collected to build new schools)
- S.B. 95 - comprehensive legislation regulating impact fees
  - was vetoed by Governor because the legislation was too onerous

**1995 First Special Session**

- S.B. 1004 - compromise version of S.B. 95
  - Required: capital facilities plan; written analysis of each impact fee; limitations; accounting for, expenditure, and refund of impact fees; challenge provisions

**1999**

- S.B. 65 - added an arbitration process for challenging an impact fee

**2000**

- H.B. 137 - Required: better public notices; summary designed to be understood by a lay person;
  - modified challenge provisions

**2002**

- H.B. 184 - authorized private water companies to also charge impact fees

**2004**

- S.B. 108 - technical
- H.B. 116 - added notice requirements for facilities with regional impact

**2005**

- H.B. 176 - technical
- H.B. 109 - technical
- S.B. 60 - technical in the rewrite of municipal and county land-use chapters

**2006**

- S.B. 155 - technical
- S.B. 267
  - expands the definition of "public safety facility" for impact fee purposes to include certain fire suppression equipment;
  - provides that a local political subdivision may impose an impact fee for a public safety facility that is a fire suppression vehicle in commercial areas only;

- modifies annual financial report requirements for counties, municipalities, and special districts with respect to impact fees; and
- imposes requirements and limitations on counties and municipalities in calculating an impact fee.

## **2007**

H.B. 65 - technical

## **2008**

H.B. 63 - technical

H.B. 78 - technical

H.B. 47 - technical

H.B. 153

- expands a requirement for a capital facilities plan to include private water providers that impose impact fees;
- removes language limiting application of a capital facilities plan notice requirement to land within a county of the first or second class;
- requires certain notices to be given to certain private construction and real estate entities;
- modifies a provision requiring notice to be given of a local political subdivision's independent capital facilities plan;
- expands a provision requiring an impact fee analysis with respect to the imposition of impact fees to apply to private water providers;
- requires notice to be provided before a local political subdivision or private water provider may prepare or contract to prepare the required impact fee analysis;
- makes certain capital facilities plan requirements applicable to amendments to a capital facilities plan;
- modifies a provision that requires a copy of an impact fee enactment to be available to the public and that requires notice of the impact fee enactment;
- requires impact fee enactments to allow a developer to receive a credit or proportionate reimbursement of an impact fee for land, improvements, or construction that the developer is required to provide in excess of requirements for the project;
- includes private water providers in other impact fee provisions; and
- prohibits an impact fee enactment from taking effect until 90 days after it is enacted.

## **2009**

H.B. 323 - modified public notice requirements

H.B. 259

- enacts a definition of "charter school" in impact fee provisions;
- repeals obsolete language relating to impact fees;
- clarifies the purposes of an impact fee capital facilities plan;
- modifies provisions relating to the written analysis associated with impact fees;
- modifies provisions relating to an impact fee enactment;
- limits impacts fees that can be imposed on a school district or charter school;
- requires local political subdivisions and private entities to ensure that their impact fees comply with the requirements of this bill, even if the impact fee was earlier imposed but not paid; and
- requires a local political subdivision or private entity to participate in mediation of any

applicable fee if the state, a school district, or a charter school requests mediation.

H.B. 274

- clarifies that the fees which must be paid by an applicant before being entitled to approval of a land use application are application fees;
- limits hookup and other fees imposed by counties, municipalities, local districts, and special service districts;
- modifies the definitions of "hookup fee," "impact fee," "project improvements," and "system improvements" in the Impact Fees Act;
- clarifies the purposes of a capital facilities plan relating to an impact fee;
- modifies provisions relating to an impact fee analysis;
- modifies requirements applicable to an impact fee enactment;
- limits impact fees imposed on the state;
- modifies a provision relating to permissible expenditures of impact fees;
- clarifies that a local political subdivision may act by resolution in establishing an administrative impact fee appeals procedure; and
- requires a local political subdivision to participate in mediation of an impact fee challenge if a specified public agency requests mediation.

S.B. 84

- modifies the definition of "public safety facility";
- repeals obsolete language;
- shortens from 14 to ten days the period of time before a public hearing date that a notice of a capital facilities plan or amendment is required to be given;
- shortens from 14 to ten days the period of time before adoption of an impact fee enactment that a local political subdivision is required to submit a copy of the written impact fee analysis and applies that time period to a new requirement to obtain a written certification;
- modifies impact fee reporting requirements;
- requires a local political subdivision to obtain a written certification from the person or entity that prepares the written impact fee analysis and specifies the content of that certification;
- shortens from 14 to ten days the period of time before a public hearing that a local political subdivision and private entity is required to make a copy of the impact fee enactment available and to mail a copy of the enactment; and
- modifies a provision restricting the imposition of an impact fee to pay for a public safety facility.