

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 405  
Mar 20, 2017  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40244-LM-78 (03/15)

Short Title: Impact Fees/Refund to Homeowners.

(Public)

Sponsors: Representative Stevens.

Referred to:

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT HOMEBUILDERS WHO ARE REFUNDED IMPACT FEES BECAUSE THE CITY OR COUNTY LACKED AUTHORITY TO IMPOSE THE FEES SHALL REIMBURSE HOMEOWNERS WHO PAID ANY PORTION OF THE FEES AS PART OF THE PURCHASE PRICE OF THEIR HOME.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 1 of Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

**"§ 153A-327. Impact fees imposed without authority.**

If a homebuilder is awarded, by a court of law or pursuant to a settlement, a refund of impact fees paid to a county because the ordinance imposing the impact fees exceeded the county's authority under law, the homebuilder shall reimburse any homeowner who paid any portion of the impact fee refunded as part of the purchase price of the home purchased from the homebuilder. Nothing in this section shall be construed as requiring a homebuilder to reimburse any homeowner who did not pay any portion of the impact fee as part of the home's purchase price. For purposes of this section, the term "impact fee" includes a facility fee, project fee, capacity fee, or any other fee that requires a developer or homeowner to pay an amount to help defray capital costs associated with new construction."

**SECTION 2.** Part 1 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

**"§ 160A-367. Impact fees imposed without authority.**

If a homebuilder is awarded, by a court of law or pursuant to a settlement, a refund of impact fees paid to a city because the ordinance imposing the impact fees exceeded the city's authority under law, the homebuilder shall reimburse any homeowner who paid any portion of the impact fee refunded as part of the purchase price of the home purchased from the homebuilder. Nothing in this section shall be construed as requiring a homebuilder to reimburse any homeowner who did not pay any portion of the impact fee as part of the home's purchase price. For purposes of this section, the term "impact fee" includes a facility fee, project fee, capacity fee, or any other fee that requires a developer or homeowner to pay an amount to help defray capital costs associated with new construction."

**SECTION 3.** This act is effective when it becomes law.

