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The Need for a Standard State Impact Fee Enabling Act

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Abstract

Communities across the nation have received varying degrees of legislative and judicial guidance in the use of development impact fees. The types of guidance range from general, liberal legislation in California, to more rigid judicial and legislative guidelines in Florida, to indirect statutory and unpredictable judicial authorization in Oregon, to vague judicial and little statutory guidance in Colorado. We argue that the use of impact fees in all states can be greatly advanced if a standard impact fee enabling act in the tradition of the familiar standard planning and zoning enabling acts were made available to state legislatures. State legislatures could then adapt the principles of such an act to their particular situations. We offer an outline of such a model act.

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