Bond Case Briefs

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DEVELOPMENT IMPACT FEES - MARYLAND

Dabbs v. Anne Arundel County

Court of Special Appeals of Maryland - March 30, 2017 - A.3d - 2017 WL 1180542

Property owners brought class action against county, seeking to recover development impact fees.

The Circuit Court entered take-nothing declaratory judgment in favor of county. Property owners appealed.

The Court of Special Appeals held that:

- County council bill codifying procedures for counting impact fee expenditures and encumbrances, for purposes of determining impact fee refunds, could be applied retroactively to calculation of whether impact fee refunds were due to property owners who had paid such fees;
- State laws allowing for imposition of impact fees and defining state rated capacity, for purposes of educational funding, did not preempt ordinance authorizing county to use impact fees for temporary classroom structures provided they expanded capacity of schools to serve new development; and
- Property owners had no vested rights that would preclude prospective repeal of impact fee refund provisions previously set forth in county code.

County was not required to provide actual accounting of development impact fees, without the new accounting procedures of retroactive county legislation, to property owners who sought refund of fees in action against county; discovery was a fully effective means for property owners to obtain information sought in motion for accounting, and county provided property owners with the documents necessary to determine whether impact fees were available for refund.

Property owners had no vested rights that would preclude prospective repeal of impact fee refund provisions previously set forth in county code, which had required county to refund fees that had not been expended or encumbered within six fiscal years following the fiscal year of collection, where effective repeal date was prior to expiry of that six year period.