

# **Bond Case Briefs**

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## **CAPITAL FACILITIES FEES - NORTH CAROLINA**

### **Wardson Construction, Inc. v. City of Raleigh**

**Supreme Court of North Carolina - March 20, 2026 - S.E.2d - 2026 WL 796147**

Home builders brought action against city to challenge capital facility fees which city required them to pay as a condition of development.

The Superior Court granted builders' motion for class certification, and also granted builders' motion for summary judgment. City appealed class certification order directly to the Supreme Court.

The Supreme Court held that:

- Builders shared an interest in whether city lawfully imposed capital facility fees which was identical for every member of the alleged class;
- Purported class of home builders who paid capital facility fees to city was sufficiently numerous to support a class action;
- Named home builder adequately represented the interests of the alleged class; and
- Determination that class action was superior method of litigation of home builders' claims seeking refund of capital facility fees was reasonable.