

Bond Case Briefs

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DEVELOPER IMPACT FEES - SOUTH CAROLINA

Home Builders Ass'n of South Carolina v. School Dist. No. 2 of Dorchester County

Supreme Court of South Carolina - September 11, 2013 - S.E.2d - 2013 WL 4835458

2009 Act No. 99 permits school district to impose an impact fee to be paid by developers on “new residential dwelling units constructed within the school district.” The Board of Trustees of Dorchester School adopted the impact fee by resolution effective June 23, 2009. An organization of home builders, brought a declaratory judgment suit seeking injunctive relief against the school district challenging the constitutionality of the Act under provisions of the state constitution requiring statewide uniformity (S.C. Const. art. VIII, § 14(6))¹ and limiting special legislation (S.C. Const. art. III, § 34).

This case was an appeal from an order granting respondents’ motion for a judgment on the pleadings under Rule 12(c), SCRPC, and dismissing appellants’ complaint. The Supreme Court found issues of fact raised by the complaint that must be resolved before the constitutionality of 2009 Act No. 99 could be determined, it reversed and remanded for further proceedings.