

Bond Case Briefs

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DEVELOPMENT IMPACT FEES - NEW HAMPSHIRE

K.L.N. Construction Company, Inc. v. Town of Pelham

Supreme Court of New Hampshire - December 10, 2014 - A.3d - 2014 WL 6967664

Developers brought a petition for declaratory judgment and writ of mandamus seeking the return of development impact fees (DIF) paid to the Town of Pelham. The Town's DIF ordinance provided that, if the Town had not spent or otherwise encumbered the impact fees within six years, current owners of property on which impact fees had been paid could apply for a full or partial refund of such fees.

The Supreme Court of New Hampshire held that the Town was within its authority to enact an ordinance directing that any refund of impact fees be paid to the current property owner. "Because there is no dispute that the petitioners no longer own any of the properties for which they paid the impact fees at issue, we conclude that the petitioners have no standing to seek a refund of the unencumbered fees. Accordingly, the trial court did not err when it dismissed the case."