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Will You Have to Pay Twice for Better Infrastructure?

Condo owners in Florida had already paid to upgrade their power lines. Palm Beach sent them another bill anyway.

Suppose your town decides to respond to frequent power outages by requiring property improvements. Good news: You've already made them and paid for them. Bad news: The town asks you to pay *again*. Can they do that? That's the question raised by a recent decision of the United States Court of Appeals for the Eleventh Circuit.

The underlying facts should help us think more deeply about the delivery of municipal services; and, like just about everything just now, should make us think more deeply about how we're making our communities resilient to climate change.

Here's how the case arose: Tired of power outages from frequent tropical storms, the town of Palm Beach, Florida, decided a few years ago that the culprit was overhead power lines. The solution was to bury them in some neighborhoods. To pay for the cost, the town imposed a special assessment — a bill — on those who would benefit. So far, nothing unusual. Much of the cost of burying lines is typically passed on to local residents.

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By Stephen L. Carter

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