

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 3185**

5 (By Delegates Lawrence and Manchin)
6

7
8 [Passed March 12, 2011; in effect ninety days from passage.]
9

10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §7-20-7a, relating to
12 impact fees; providing legislative findings; requiring
13 counties to have an affordable housing component in the
14 county's impact fees ordinance; providing requirements for the
15 affordable housing component; and requiring a vote by the
16 county commission to increase or decrease impact fees.

17 *Be it enacted by the Legislature of West Virginia:*

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §7-20-7a, to read as
20 follows:

21 **ARTICLE 20. FEES AND EXPENDITURES FOR COUNTY DEVELOPMENT.**

22 **§7-20-7a. Impact fees for affordable housing.**

23 (a) The Legislature finds that:

24 (1) There is a lack of affordable housing in counties that

1 impose impact fees because the cost of the fees along with the
2 economic conditions in those counties has resulted in low and
3 moderate income persons, persons on fixed incomes, the elderly and
4 persons with special needs, not being able to obtain safe, decent
5 and affordable housing;

6 (2) A lack of affordable housing affects the ability of a
7 community to develop and maintain strong and stable economies, and
8 impairs the health, stability and self-esteem of individuals and
9 families; and

10 (3) Financing affordable housing particularly in high growth
11 counties is becoming increasingly difficult.

12 For these reasons, it is in the public interest to encourage
13 counties that have imposed impact fees and those considering the
14 imposition of impact fees to fairly assess and discount impact fees
15 so as not to limit safe, decent and affordable housing.

16 (b) On or before July 1, 2012, a county imposing impact fees
17 shall enact an affordable housing component with a discount impact
18 fees schedule, based upon the new homes value compared to the most
19 recent annual single dwelling residential housing index created in
20 section two-b, article one, chapter eleven of this code, to the
21 county's impact fees ordinance. The impact fees schedule shall be
22 updated annually to reflect the changes to the single dwelling
23 residential housing index.

24 (c) The affordable housing component shall:

1 (1) Take into account all the different types of housing,
2 including single family detached, single family attached, duplex,
3 town house, apartment, condominium and manufactured home; and

4 (2) Include a discount for mobile homes, as defined in section
5 one, article one, chapter seventeen-a of this code, based upon the
6 value set out in the National Automobile Dealers Association book.

7 (d) The county commission shall annually approve, by a
8 majority vote, any increase or decrease in the impact fees
9 schedule.