

CITY of ALBUQUERQUE – IMPACT FEES and VESTED RIGHTS

On July 1, 2005, the City of Albuquerque will begin assessing and collecting development impact fees for new building permits. **Only** properties that have received preliminary plat approval or site development plan approval **after** December 10, 2004 are subject to impact fees at this time. Properties which received approval prior to December 10, 2004 have “vested rights” which will expire in two years; these properties that obtain building permits prior to July 1, 2007, will **not** be assessed impact fees.

Because of the attention to the implementation date of July 1, 2005, many people believe they will have to pay impact fees immediately after that date. The City of Albuquerque has written rules and regulations to explain implementation of impact fees and these rules are published in the Development Process Manual; the following rule regarding ‘vested rights’ might be helpful for some people who think they will be subject to impact fees for building permit applications accepted after July 1, 2005:

DEVELOPMENT IMPACT FEE ADMINISTRATIVE RULES

I. INTENT

II. ADMINISTRATIVE ORGANIZATION AND RESPONSIBILITY

A. Impact Fees Administrator

B. Determination and Assessment of the Impact Fee

1. General. [...]

2. Assessment of Fee. The impact fee shall be assessed as follows:

d) For the purpose of the Impact Fee Ordinances and these Administrative Rules, vested rights shall mean development rights acquired and resulting from building permit approval, final plat approval, preliminary plat approval, or EPC or DRB site plan for subdivision or site plan for building permit approval obtained prior to the enactment date (December 10, 2004) of the Impact Fee Ordinance. Vested Rights arising from such approvals shall expire if a building permit has not been issued within two (2) years from the effective date of the Impact Fee Ordinance and the impact fee may be assessed and collected thereafter.

Please see the approval hierarchy table on the following page for a simplified check of development approvals that have vested rights under the fee ordinances:

**CITY of ALBUQUERQUE - DEVELOPMENT APPROVAL HIERARCHY
TABLE FOR IMPACT FEES and VESTED RIGHTS**

<u>APPROVAL AS OF December 10, 2005</u>	<u>ACTION NEEDED FOR BUILDING PERMIT</u>	<u>ARE IMPACT FEES APPLICABLE?</u>	<u>DATE THAT IMPACT FEES CAN BE ASSESSED</u>
Building Permit	<i>none</i>	<i>No</i>	<i>July 1, 2007</i>
Final Plat	<i>none</i>	<i>No</i>	<i>July 1, 2007</i>
Preliminary Plat	FINAL PLAT	<i>No</i> , if it conforms to Preliminary Plat approved prior to December 10, 2004	<i>July 1, 2007</i>
Site Plan/ Subdivision	PRELIMINARY AND FINAL PLAT	If a Site Plan for Building Permit approval is required by EPC or DRB then <i>Yes</i> ; If the site plan goes directly to Building permit then <i>No</i> .	<i>July 1, 2007</i>
EPC or DRB approved Site Plan for Building Permit	SITE DEVELOPMENT PLAN SIGN-OFF	<i>No</i> , if it conforms to the Conditions of Approval.	<i>July 1, 2007</i>