

Will Hillsborough County Adopt Mobility Fees in April?

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Part of the years-long transportation funding debate appears to be reaching a conclusion.

On March 24, Hillsborough County held a well-attended public workshop regarding implementing mobility fees, which are described as “a charge on new development to pay for offsite transportation improvements that are necessitated by new development.”

Mobility fees would replace the county’s current impact fee and concurrency programs that fund transportation improvements. The county’s current impact fee model dates to 1985. As described by the county, mobility fees are intended to incentivize development in urban areas, while charging higher fees to developers of land further away from primary employment centers.

The current proposal, still under development, involves a five-year period of phasing-in the new mobility fee structure while grandfathering in existing projects. It is still unclear how this grandfathering process would work. Its potential effect on existing development and concurrency agreements is also unclear, a contested point during the workshop.

The proposed amount of the new mobility fees would be significantly higher than the currently imposed impact fees, but would remove a developer’s separate concurrency obligation. How much

more this would cost a developer requires a very site-specific analysis, but examples of the new mobility fee ranges published by the county include single family homes (\$4,968-\$9,295 per dwelling unit), retail shopping centers (\$7,479-\$12,269 per ksf), gas stations (\$26,018-\$45,396 per ksf) and drive-thru restaurants (\$51,682-\$86,174 per ksf).

The county is contemplating a January 1, 2017 effective date and the program may include a “buy back” method for existing impact fee credits/offsets, though the funding source for these payments is presently unknown, raising questions about the certainty of the county’s ability to repay for these infrastructure investments. A developer’s existing ability to challenge a specific impact fee assessment due to site-specific situations is proposed to remain within the mobility fee concept.

The draft ordinance is a work in progress, and will likely continue to change. The county is also on a parallel track regarding whether to proceed with the “Go Hillsborough” transportation proposal – a half-cent sales tax referendum that could appear on the November ballot.

We will continue to provide updates on this process as we monitor Hillsborough’s proposal, as well as other mobility fee efforts throughout Florida. Clients interested in how Hillsborough County’s proposal may impact their development plans should contact a member of Carlton Fields’ Government Law and Consulting Practice Group.

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