



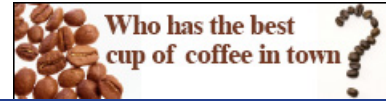
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Impact fee suit may not be over

Homeowners' attorney wants judge to reconsider award

By ERIN COX, Staff Writer
 Published 04/07/11

The attorneys representing homeowners in a decade-long lawsuit over impact fees have contested last month's ruling, arguing residents are due dramatically more money from the county government.

Attorney John R. Greiber Jr. asked Circuit Court Judge Philip Caroom to increase the award more than sixfold to \$8.1 million plus interest, according to court documents.

The case over misspent impact fees has spent a decade in the court system as it traveled to the state's highest court and back. Last month, Caroom accepted the county's final analysis that \$1.3 million worth of impact fees, plus interest, must be repaid to area homeowners. With 5 percent interest applied each year since the fees were collected 15 years ago, the tab came to at least \$2.8 million.

County Executive John R. Leopold heralded the award as a victory won by county employees who were able to demonstrate that only \$1.3 million of the fees were not spent correctly.

In paperwork filed Monday in Annapolis, Greiber asked Caroom to grant a hearing so Greiber can argue that the county's analysis was flawed.

Among other arguments, Greiber took issue with a 2007 law that broadened how the fees could be spent and the retroactive application of that law to cut back on how much the county owed homeowners. If 5 percent interest were applied each year to Greiber's figure, the county would owe homeowners \$17.3 million.

Developers pay impact fees to offset the cost of expanding nearby roads and schools. In general, the fees are incorporated into the cost of new homes. County rules mandating the fees also spell out that they must be spent on nearby projects within six years or returned.

The lawsuit, first filed in 2001 on behalf of Odenton-area homeowners, alleged fees collected between 1987 and 1996 were not spent properly and sought a refund. The

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state's highest court decided the county needed to repay some money, but sent the case back to a lower court to determine how much. Estimates ranged up to \$22.1 million.

On March 25, Caroom issued his ruling that the county owed a much smaller sum.

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Since it was the Owens' administration that screwed up, why don't we make Janet Owens repay the fees out of her own pocket?

Robb Tufts - Churchton, MD - Karma: Neutral

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