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State's High Court Declines To Review Durham Impact Fee Appeal

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RALEIGH, N.C. -- The North Carolina Supreme Court last week refused to hear a case involving impact fees charged in Durham.

Durham County Superior Court Judge Orlando Hudson had ruled the fees were illegal because the city did not have state approval. He also ruled that the fees collected must be refunded.

The North Carolina Court of Appeals upheld Hudson's ruling but reversed part of it, which provided for interest to be paid on the refunded amount.

Durham County Commission Chairman Ellen Reckhow said on Monday that she is "obviously disappointed."

"This leaves Durham County without an adequate means of funding school growth," Reckhow said. "We will be actively seeking voluntary donations from developers who have paid the impact fees."

Durham County's impact fee ordinance first became effective on Jan. 1, 2004. The total amount collected before the ruling is just more than \$8 million.

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