

HOUSE BILL 495

By Sparks

AN ACT to amend Tennessee Code Annotated, Section 67-4-2913, relative to preemption of impact fees or adequate facilities taxes which may be assessed or imposed on new development.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-2913, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) Notwithstanding any private act, charter provision, or other law which imposes an impact fee or adequate facilities tax, no impact fee or adequate facilities tax in any county having a population of not less than two hundred sixty-two thousand six hundred (262,600) nor more than two hundred sixty-two thousand seven hundred (262,700) according to the 2010 federal census or any subsequent federal census shall be imposed or assessed on new age-exclusive developments for persons fifty-five (55) years of age and older which also exclude children as permanent residents. This subsection (b) shall be the exclusive authority for the local governments to which this subsection applies with respect to such type of developments.

SECTION 2. Tennessee Code Annotated, Section 67-4-2913, designated as subsection (a) pursuant to Section 1, is amended by adding the following language after the second sentence:

Nothing in this subsection (a) shall prevent a county having a population of not less than two hundred sixty-two thousand six hundred (262,600) nor more than two hundred sixty-two thousand seven hundred (262,700) according to the 2010 federal census or any subsequent federal census or any municipality located in such county from reducing an

impact fee or adequate facility tax which is in effect prior to the effective date of this act, or from revising the private act or charter provision to remove specific types of property identified in subsection (b) from being subject to the impact fee or adequate facility tax.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring

it.