



Published April 10th, 2024

## Letters to the editor

Impact fees

School districts in Lamorinda, like those elsewhere in the state, are facing a massive influx of new students due to the state housing mandate. This increase in student population does not appear to have considered by the consultants who project future student enrollment, and thus those projections understate the growth. Speaking generally, the housing mandate will increase each city's population by about one-third, with a similar increase in student population, over the next eight years.

School districts are entitled to charge developers "impact fees" to cover the impact of development on public facilities and public services. See Govt Code section 66000(d). The need for additional schools and teachers would be included.

If for any reason such fees cannot be charged, Article XIII B, section 6 of the California Constitution requires payment from the state to cover the cost of such impacts. Note the key distinction between a "tax" versus a "fee." It doesn't matter that a school district can tax; what matters is whether it can impose a fee on developers for the impact of the housing mandate.? Cities also have the right to charge fees or receive compensation from the state.

But one issue the school districts face, that the cities do not, is that there are laws restricting the fees that school district can charge. <https://edcal.acsa.org/new-requirements-in-effect-for-schools-collecting-impact-fees> ;

[www.schoolworks-gis.com/developer-fee-studies](http://www.schoolworks-gis.com/developer-fee-studies)

Our local school districts should consult with counsel and file claims with the state Commission on State Mandates, seeking compensation for the difference between the amounts allowed by law and the actual impact, and/or file suit to invalidate the unique restrictions they face on imposing impact fees on developers.

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