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Delay sought for growth bill: Homebuilder's group wants time to propose its own plan

By Kate House-Layton, Delaware State News

DOVER - A Delaware homebuilder's group wants to give a state Senate committee its own spin on a bill that's tied to the effectiveness of a Kent County growth ordinance.

Lobbyists for the Delaware Homebuilder's Association last month went before the House of Representatives' Transportation, Land Use and Infrastructure Committee about House Bill 31, which would remove language in a state law that previously kept county governments from charging impact fees in growth areas.

"Their suggestion was everybody should pay, as opposed to fees on new construction," said Rep. Bruce C. Ennis, D-Smyrna, a committee member and the bill's main sponsor.

The bill passed in the House March 20 and now awaits consideration in the Senate Community and County Affairs Committee.

Committee chair Sen. David P. Sokola, D-Newark, said Dover lobbyist Scott Kidner, who represents the homebuilders' group, asked the committee to hold off consideration of the bill until the group is ready to make a presentation on a proposal that pertained to the bill.

Sen. Sokola said he doesn't like things to be delayed in the committee, and said he wanted to hear from Mr. Kidner on what the status of the proposal was when the legislature resumes Tuesday.

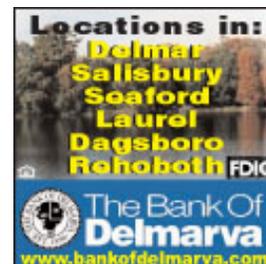
Mr. Kidner did not want to comment on the matter Wednesday.

Steve Lefebvre, executive director of the Delaware Homebuilders Association also declined comment on the proposal, but said that when he talked to the House committee about the bill, he said "the solution should be something considered statewide instead of individual piecemeal between counties and municipalities - something that is fair and predictable to the home building industry."

He said his group did not oppose HB 31.

"What the industry is looking for is fair solutions," he said.

The bill was written after Kent County Levy Court in October passed an adequate public facilities ordinance to make sure emergency medical services keeps up with county growth.



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The bill was one of a package of ordinances that were written after years of public outcry to put Kent County's rapid growth in check. Levy Court has since passed all four ordinances.

The ordinance asks developers to pay an impact fee that could raise \$85,000 per year for Kent County paramedics to expand or construct a new building.

The day the ordinance was passed, Levy Court commissioners discovered a state law that prohibits the charge of impact fees on projects within growth areas, including Kent County's growth zone. Commissioners passed the ordinance on the condition that it goes into effect when the state legislature passes a bill that repeals the block against the impact fees.

Fees would be calculated from formulas that factor the average call volume for Kent County emergency services from a development, the annual per capital costs to provide service, the number of lots in a development and the estimated number of people per household within that development.

Fred Townsend III, who helped write the bill and who was county attorney when Levy Court adopted the ordinance, said it is fairly common for groups to argue proposals at various levels of government.

The attorney said he would rather see HB 31 passed soon, but he also would have to see what the homebuilders' group proposes and if it would substantially change the thrust of the bill.

"It all depends on the substance of the amendment, but the amendment doesn't necessarily threaten the adequate public facilities ordinance," Mr. Townsend said.

"That's our process though," Mr. Townsend said. "It's not necessarily devious or with malice, that's what (lobbyists are) paid to do. They're representing the interests of their clients wherever their clients are in jeopardy."

If the group does present something to the committee, Mr. Townsend said, it cannot be made as an amendment to the bill without a legislator acting as its sponsor.

To Levy Court President P. Brooks Banta, however, the longer the bill stays in the legislature the longer the ordinance is ineffective. That's thousands of dollars in building impact fees, he said, that could go to expand emergency services where needed.

"We need money for emergency medical services," Mr. Banta said. "If they don't want us to provide that then they should stop building the houses."

He said he's heard the homebuilders' group talk before about coming up



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with a better plan.

"Where is it, where is their plan, where is this great plan?" Mr. Banta asked. "These funds would help build a better facility.

"If that's the kind of games they want to play, fine, they're playing with people's lives.

"They need to think about the welfare of the people they sell these houses to. How much more simple can they make it? This is thousands of dollars lost each time it's delayed.

"Where's the plan? If they don't have one, get a life and move on."

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