



April 17, 2024

Re: Comments on A4 (Nash) and A5 (Nash) Amendments in HF 4194

Chair Howard and members of the House Housing Finance and Policy Committee:

The League of Minnesota Cities appreciates the opportunity to provide our comments on our concerns with the A4 and A5 amendments to HF 4194, and we respectfully ask that members oppose these amendments.

The proposed A4 and A5 amendments seek to amend Minn. Stat. 462.353, subd. 4. The A4 amendment seeks to prevent any city fee or other charge from being imposed on a permit applicant or other approval if they are “unrelated to the specific request and the A5 amendment would prevent cities from imposing a fee or charge on a development application or permit that is not “expressly authorized in statute.” Both proposed amendments are unnecessary and would confuse existing statute and potentially existing case law.

Chapter 462 already adequately constrains city fee authority. Minn. Stat. 462.353, subd. 4 already provides that city “fees must be fair, reasonable, and proportionate and have a nexus to the actual cost of service for which the fee is imposed.” Developers can and have challenged the proportionality of fees. For this reason, we oppose these amendments and respectfully ask that members do the same.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads 'Daniel Lightfoot'. The signature is written in a cursive style with a prominent 'D' and 'L'.

Daniel Lightfoot
Intergovernmental Relations Representative
League of Minnesota Cities