

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Property development exactions.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to city, county, state and local powers;  
2 providing limitations on the imposition of mitigation or  
3 exaction fees imposed by governmental entities; providing  
4 exemptions; providing definitions; providing conforming  
5 amendments; specifying applicability; and providing for an  
6 effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 16-13-101 through 16-13-103 are  
11 created to read:

12

13

CHAPTER 13

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

LAND USE REGULATIONS

ARTICLE 1

LIMITS ON EXACTIONS AND MITIGATION FEES

**16-13-101. Definitions.**

(a) As used in this article:

(i) "Individualized determination" means a written analysis specific to the proposed residential development to assess whether a mitigation or exaction fee is specifically and uniquely attributable to the costs of mitigating an identified adverse impact from the proposed residential development;

(ii) "Land use permitting authority" means any governing body of a city, town or county, a special district, planning commission, zoning commission or other entity of state or local government that issues land use permits;

1           (iii) "Land use permit" means any permit that is  
2 required by state law, local ordinance or rule to be  
3 obtained before:

4

5           (A) Land can be subdivided for residential  
6 development;

7

8           (B) A structure can be built or renovated;  
9 or

10

11           (C) An addition can be built onto an  
12 existing structure.

13

14           (iv) "Mitigation or exaction fee" means any fee,  
15 dedication or condition imposed by a land use permitting  
16 authority as a condition of granting a land use permit that  
17 is intended to mitigate identified adverse impacts that  
18 would result from one of the activities described in  
19 subparagraph (iii)(A) through (C) of this subsection. A  
20 mitigation or exaction fee does not include fees for  
21 government services. A mitigation or exaction fee may be  
22 imposed as a fee in a dollar amount to be paid by the

1 developer or may be a required concession from the  
2 developer or landowner;

3

4 (v) "Residential development" means  
5 constructing, renovating or building an addition to any  
6 structure intended primarily for human habitation.

7

8 16-13-102. Limits on imposition of exactions and  
9 mitigation fees on specified proposed property development.

10

11 \*\*\*\*\*

12 \*\*\*\*\*

13

STAFF COMMENT

14

15

16

17

18

19

20

21

22

23

24

25 (a) A land use permitting authority shall not require  
26 as a condition for the issuance of a land use permit for  
27 residential development, or the subdivision of land for  
28 residential development, the imposition of a mitigation or  
29 exaction fee unless the fee is specifically and uniquely

1 attributable to the costs of mitigating an identified  
2 adverse impact from the proposed residential development or  
3 subdivision and no mitigation or exaction fee shall be  
4 required for any structure intended to serve primarily as a  
5 single-family residential dwelling that is not more than  
6 two thousand five hundred (2,500) total square feet or for  
7 any multi-family residential dwelling containing only units  
8 that are not more than one thousand two hundred fifty  
9 (1,250) total square feet.

10

11 (b) No mitigation or exaction fee allowed under  
12 subsection (a) of this section shall be:

13

14 (i) More than XX percent (XX%) of the total  
15 construction, renovation or addition cost for all  
16 structures intended to serve primarily as single-family  
17 residential dwellings. The maximum fee calculated pursuant  
18 to this paragraph shall not include the costs attributable  
19 to the first two thousand five hundred (2,500) square feet  
20 of each single-family residential dwelling;

21

22 (ii) More than XX percent (XX%) of the total  
23 construction, renovation or addition cost for all

1 structures intended to serve primarily as multi-family  
2 residential dwellings. The maximum fee calculated pursuant  
3 to this paragraph shall not include the costs attributable  
4 to the first one thousand two hundred fifty (1,250) square  
5 feet of each unit within a multi-family residential  
6 dwelling.

7

8 **16-13-103. Process and appeal.**

9

10 (a) Land use permitting authorities shall provide  
11 written notice to the residential development applicant of  
12 any mitigation or exaction fees not later than thirty (30)  
13 days before imposing any mitigation or exaction fees. Upon  
14 receipt of a written mitigation or exaction notice, the  
15 applicant may request an individualized determination  
16 prepared at the expense of the land use permitting  
17 authority providing an explanation of the mitigation or  
18 exaction fee amount imposed on the proposed residential  
19 development, including the methodology and supporting data  
20 and information used to determine the adverse impact  
21 anticipated to be caused by the residential development and  
22 the method of calculating the mitigation or exaction fee  
23 amount based on that identified adverse impact.

1

2           (b) The land use permitting authority shall provide  
3 the completed individualized determination not later than  
4 sixty (60) days from receipt of the request. Unless an  
5 administrative appeal is filed, this individualized  
6 determination shall be the final decision of the land use  
7 permitting authority. If the individualized determination  
8 is not completed and delivered to the residential  
9 development applicant within sixty (60) days from receipt  
10 of the request, the mitigation or exaction fee shall be  
11 waived.

12

13           (c) If the residential development applicant objects  
14 to the methodology, supporting information or conclusions  
15 set forth in the individualized determination, the  
16 applicant may request a hearing before the land use  
17 permitting authority. The request may be filed immediately  
18 or may be delayed and included with other matters arising  
19 in the applicant's permit review process related to the  
20 residential development application. Upon receiving a  
21 request for hearing, the land use permitting authority  
22 shall hold a hearing to determine facts relating to the  
23 dispute over the mitigation or exaction fee and shall

1 render a final decision on the mitigation or exaction fee  
2 not later than sixty (60) days after receiving the request  
3 for a hearing. In any hearing, the burden of proof is on  
4 the land use permitting authority to demonstrate that the  
5 mitigation or exaction fee amount is specifically and  
6 uniquely attributable to the costs of mitigating an  
7 identified adverse impact of the proposed residential  
8 development.

9

10 (d) A residential development applicant may elect to  
11 proceed under protest and satisfy or pay a required  
12 mitigation or exaction fee while the mitigation or exaction  
13 fee is challenged or appealed. Any satisfaction or payment  
14 under protest of a mitigation or exaction fee shall not be  
15 construed as a waiver of any objections or appeals or right  
16 to judicial review of the mitigation or exaction fee. The  
17 land use permitting authority shall not require the  
18 residential development applicant to satisfy the mitigation  
19 or exaction fee as a prerequisite to challenging or  
20 appealing the validity of the mitigation or exaction fee.

21

22 (e) A Residential development applicant may bring an  
23 action in a court of competent jurisdiction to challenge



1 the validity or constitutionality of a mitigation or  
2 exaction fee following the hearing held pursuant to  
3 subsection (c) of this section. The court shall review the  
4 mitigation or exaction fee de novo with the burden of proof  
5 on the land use permitting authority to demonstrate that  
6 the mitigation or exaction fee is specifically and uniquely  
7 attributable to the costs of mitigating an identified  
8 adverse impact from the residential development. The court  
9 shall award compensatory damages and attorney fees  
10 exclusively to a prevailing appellant.

11

12 **Section 2.** W.S. 15-1-103(a) by creating a new  
13 paragraph (li) and W.S. 18-2-101(a) by creating a paragraph  
14 (ix) are amended to read:

15

16 **15-1-103. General powers of governing bodies.**

17

18 (a) The governing bodies of all cities and towns may:

19

20 (li) Impose mitigation or exaction fees on  
21 residential development only to the extent authorized by  
22 W.S. 16-13-102.

23

1           **18-2-101. General powers.**

2

3           (a) Each organized county in the state is a body  
4 corporate and politic. The powers of the county shall be  
5 exercised by a board of county commissioners which may:

6

7                   (ix) Impose mitigation or exaction fees on  
8 residential development only to the extent authorized by  
9 W.S. 16-13-102.

10

11           **Section 3.** This act shall apply to all applications  
12 for permits submitted for residential development on and  
13 after July 1, 2025.

14

15           **Section 4.** This act is effective July 1, 2025.

16

17

(END)