



# DUPAGECOUNTY

DIVISION OF TRANSPORTATION

REAPPROPRIATION OF IMPACT FEES– March 18, 2025

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## History of the Impact Fee Program

- The Impact Fee Program was established in November 1988 to pay for highway capital improvements.
- Fees were assessed on new residential and commercial developments and redevelopments.
  - Fees were allocated into 10 separate accounts to pay for highway capital improvements within the 9 respective County districts. An administration account was established to cover costs relating to maintaining the program.
  - Any fees that were not encumbered for an improvement project within 5 years of collection were eligible to be refunded for 1 year following the 5-year encumbrance period (“lapsed fees”).
    - An affidavit of entitlement must be submitted as well.



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## Repealment of the Impact Fee Program & Statutory Changes

- On **May 23, 2023**, The DuPage County Board repealed the Impact Fee Program, resulting in the ending of the collection of these fees.
- On **January 1, 2025**, state statute “**605 ILCS 5/5-917.1**” was put into effect allowing the County to transfer the remaining balance of Impact Fee Accounts to our Transportation Accounts to be utilized for “capacity-related improvements”.
- The lapse fee refund policy will remain in effect until either:
  - All funds are spent/encumbered
  - Eligible lapse fees refund requests are made within their respective time-frame up to May 23, 2029 (5 years + 1)

(605 ILCS 5/5-917.1)

Sec. 5-917.1. Repeal of road improvement impact fee by ordinance or resolution. If DuPage County has adopted and implemented a road improvement impact fee by ordinance or resolution and repeals the ordinance or resolution, the collected fees, along with any accrued interest, in the existing impact fee accounts shall be transferred to a transportation account to be used for capacity-related improvements. Valid impact fee refunds shall be processed in accordance with the procedures set forth in the repealed ordinance or resolution.

(Source: P.A. 103-868, eff. 1-1-25.)



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## Transferring of the Impact Fee funds

- DOT is working with Finance, Treasurer, State’s Attorney and Auditor’s Office to establish these new accounts. We plan to bring forward a resolution to the Committee and County Board to reappropriate the funds and establish new budgets.
- To remain as transparent as possible, the funds of each Impact Fee account will be transferred to 10 transportation accounts (9 by area and 1 administrative).
  - This will allow for ongoing tracking of spending of project that utilize these funds.
  - Allows for tracking of lapse fee spent/encumbered and refund eligibility.
- Investment income earned from the remaining balance will be allocated to the new administrative account. The administrative account balance will be used for administrative, accounting and contractual expenses as originally intended.



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## Utilization of the reallocated funds

- State Statute limits the use of the remaining Impact Fee funds to “capacity-related improvements” within DuPage County.
- While the statute does not require the remainder of the funds to be utilized within the district of origination, DOT will continue follow this approach, unless directed otherwise.
- DuPage County continues to comply with statute in other ways as well... DOT is publishing its annual reports in the Daily Herald in March and has uploaded those to the DOT Doing Business impact fee webpage.



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# Questions?



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