

16 USC 6214: Cabin user and transfer fees

Text contains those laws in effect on January 20, 2021

From Title 16-CONSERVATION

CHAPTER 81-USER FEES UNDER FOREST SYSTEM RECREATION RESIDENCE PROGRAM

Jump To:[Source Credit](#)[References In Text](#)[Codification](#)**§6214. Cabin user and transfer fees****(a) In general**

The Secretary of Agriculture (referred to in this section as the "Secretary") shall establish a fee in accordance with this section for the issuance of a special use permit for the use and occupancy of National Forest System land for recreational residence purposes.

(b) Interim fee

During the period beginning on January 1, 2014, and ending on the last day of the calendar year during which the current appraisal cycle is completed under subsection (c), the Secretary shall assess an interim annual fee for recreational residences on National Forest System land that is an amount equal to the lesser of-

- (1) the fee determined under the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.), subject to the requirement that any increase over the fee assessed during the previous year shall be limited to not more than 25 percent; or
- (2) \$5,600.

(c) Completion of current appraisal cycle

Not later than 1 year after December 19, 2014, the Secretary shall complete the current appraisal cycle, including receipt of timely second appraisals, for recreational residences on National Forest System land in accordance with the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) (referred to in this section as the "current appraisal cycle").

(d) Lot value

Only appraisals conducted and approved by the Secretary in accordance with the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) during the current appraisal cycle shall be used to establish the base value assigned to the lot, subject to the adjustment in subsection (e). If a second appraisal-

- (1) was approved by the Secretary, the value established by the second appraisal shall be the base value assigned to the lot; or
- (2) was not approved by the Secretary, the value established by the initial appraisal shall be the base value assigned to the lot.

(e) Adjustment

On the date of completion of the current appraisal cycle, and before assessing a fee under subsection (f), the Secretary shall make a 1-time adjustment to the value of each appraised lot on which a recreational residence is located to reflect any change in value occurring after the date of the most recent appraisal for the lot, in accordance with the 4th quarter of 2012 National Association of Homebuilders/Wells Fargo Housing Opportunity Index.

(f) Annual fee**(1) Base**

After the date on which appraised lot values have been adjusted in accordance with subsection (e), the annual fee assessed prospectively by the Secretary for recreational residences on National Forest System land shall be in accordance with the following tiered fee structure:

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 1	6 percent	\$650
Tier 2	16 percent	\$1,150

Tier 3	26 percent	\$1,650
Tier 4	22 percent	\$2,150
Tier 5	10 percent	\$2,650
Tier 6	5 percent	\$3,150
Tier 7	5 percent	\$3,650
Tier 8	3 percent	\$4,150
Tier 9	3 percent	\$4,650
Tier 10	3 percent	\$5,150
Tier 11	1 percent	\$5,650.

(2) Inflation adjustment

The Secretary shall increase or decrease the annual fees set forth in the table under paragraph (1) to reflect changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a 5-year rolling average.

(3) Access and occupancy adjustment

(A) In general

The Secretary shall by regulation establish criteria pursuant to which the annual fee determined in accordance with this section may be suspended or reduced temporarily if access to, or the occupancy of, the recreational residence is significantly restricted.

(B) Appeal

The Secretary shall by regulation grant the cabin owner the right of an administrative appeal of the determination made in accordance with subparagraph (A) whether to suspend or reduce temporarily the annual fee.

(g) Periodic review

(1) In general

Beginning on the date that is 10 years after December 19, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that-

(A) analyzes the annual fees set forth in the table under subsection (f) to ensure that the fees reflect fair value for the use of the land for recreational residence purposes, taking into account all use limitations and restrictions (including any limitations and restrictions imposed by the Secretary); and

(B) includes any recommendations of the Secretary with respect to modifying the fee system.

(2) Limitation

The use of appraisals shall not be required for any modifications to the fee system based on the recommendations under paragraph (1)(B).

(h) Cabin transfer fees

(1) In general

The Secretary shall establish a fee in the amount of \$1,200 for the issuance of a new recreational residence permit due to a change of ownership of the recreational residence.

(2) Adjustments

The Secretary shall annually increase or decrease the transfer fee established under paragraph (1) to reflect changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a 5-year rolling average.

(i) Effect

(1) In general

Nothing in this section limits or restricts any right, title, or interest of the United States in or to any land or resource in the National Forest System.

(2) Alaska

The Secretary shall not establish or impose a fee or condition under this section for permits in the State of Alaska that is inconsistent with section 3193(d) of this title.

(j) Retention of fees

(1) In general

Beginning 10 years after December 19, 2014, the Secretary may retain, and expend, for the purposes described in paragraph (2), any fees collected under this section without further appropriation.

(2) Use

Amounts made available under paragraph (1) shall be used to administer the recreational residence program and other recreation programs carried out on National Forest System land.

(k) Repeal of Cabin User Fee Fairness Act of 2000

Effective on the date of the assessment of annual permit fees in accordance with subsection (f) (as certified to Congress by the Secretary), the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) is repealed.

(Pub. L. 113–291, div. B, title XXX, §3024, Dec. 19, 2014, 128 Stat. 3764 .)

REFERENCES IN TEXT

The Cabin User Fee Fairness Act of 2000, referred to in subsecs. (b)(1), (c), (d), and (k), is title VI of Pub. L. 106–291, **Oct. 11, 2000**, 114 Stat. 1014 , which was classified generally to this chapter, prior to repeal by subsec. (k) of this section.

CODIFICATION

Section was enacted as part of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 and also as part of the Military Construction Authorization Act for Fiscal Year 2015 and not as part of the Cabin User Fee Fairness Act of 2000 which formerly comprised this chapter.