

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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HOUSE BILL 2000

Short Title: Durham Facility Fee Payments.

(Local)

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Sponsors: Representatives Luebke; Kuczmariski, Michaux, G. Miller, and Mosley.

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Referred to: Finance.

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June 2, 1994

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE COUNTY OF DURHAM TO COLLECT PAYMENT OF FACILITIES FEES IN INSTALLMENTS.

The General Assembly of North Carolina enacts:

Section 1. (a) A county may permit the payment of a facilities fee in a lump sum or in equal monthly or annual installments over a period of time not to exceed 10 years. If paid in installments, such installments shall bear interest at a rate fixed by the board of commissioners of not more than nine percent (9%) per annum from the date when the county approves payment of the facilities fee in installments. The facilities fee, with accrued interest, may be paid in full at any time.

(b) If a facilities fee is to be paid in installments pursuant to subsection (a) of this section, then from and after the date when the county approves payment of the facilities fee in installments, the fee shall be a lien on the property of the developer or other person against which the fee was imposed. The facilities fee lien shall be of the same nature and to the same extent as the lien for county and city property taxes. The lien shall be inferior to all prior and subsequent liens for State, local, and federal taxes, equal to liens of special assessments, and superior to all other liens and encumbrances. The board of commissioners may delegate authority to the county manager or designee of the county manager to approve or deny applications for payment of facilities fees in installments.

(c) If any installment on a facilities fee is not paid when due, then all of the installments remaining unpaid shall immediately become due and payable, and the sums due may be collected by the same process and in the same manner as property taxes due upon the property subject to the lien. By way of illustration and not limitation, the

1 property may be sold by the county under the same rules as are prescribed by law for  
2 the foreclosure and sale of land for unpaid property taxes. Foreclosure may be begun at  
3 any time following 30 days after the due date. The county shall not be entitled to a  
4 deficiency judgment in an action to foreclose a facilities fee lien.

5 (d) The county may not maintain an action or proceeding to enforce any remedy  
6 for the foreclosure of a facilities fee lien unless the action or proceeding is begun within  
7 the period of time prescribed by law for the foreclosure of special assessment liens.

8 (e) For purposes of this section, a "facilities fee" includes connection and  
9 lateral fees, line frontage fees, and inspection fees for sewer connections established by  
10 a county pursuant to Article 15 of Chapter 153A of the General Statutes.

11 Sec. 2. This act applies to Durham County only.

12 Sec. 3. This act is effective upon ratification.