

Local Government

See full summary documents for additional detail

H464 - Regional Transportation Authority Revisions. (SL 2016-54)

S.L. 2016-54 makes changes to the regional transportation authority statute governing PART, the Piedmont Authority for Regional Transportation.

This act became effective August 1, 2016.

H483 - Land-Use Regulatory Changes. (SL 2016-111)

S.L. 2016-111 provides that amendments in city and county zoning ordinances, subdivision ordinances, and unified development ordinances must not be applicable or enforceable without the written consent of the owner with regard to a multi-phased development. A multi-phased development is vested for the entire development with the zoning ordinances, subdivision ordinances, and unified development ordinances then in place at the time a site plan approval is granted for the initial phase. A right which has been vested under these provisions remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

This act became effective July 22, 2016, and applies to multi-phased developments with approved site plans which are valid and unexpired on the effective date of this act and to multi-phased developments approved on or after the effective date of this act.

H550 - Raleigh Apodaca Service Dog Retirement Act. (SL 2016-101)

S.L. 2016-101 allows ownership of retired State and local government service animals to be transferred to the service animal's handler or other designated persons, organizations, or programs under certain stated conditions.

This act becomes effective October 1, 2016.

H805 - Measurability Assessments/Budget Technical Corrections.

Sec. 2.4: County Services Provided to Tribal Lands. (SL 2016-123)

Sec. 2.4 of S.L. 2016-123 requires counties to provide, on lands held in trust by the United States for the Eastern Band of Cherokee Indians ("tribal lands"), public health or human services traditionally provided by county agencies and not otherwise assumed by the Eastern Band of Cherokee Indians, regardless of whether the county has entered into an agreement with the Eastern Band of Cherokee Indians to provide such services.

This section also provides that any agreement between the Eastern Band of Cherokee Indians and a county for provision of county services on tribal lands:

- Need not describe any compensation for services provided;
- Must be approved by the Principal Chief of the Eastern Band of Cherokee Indians, rather than by the Tribal Council; and
- Must be signed by the county manager or delegated department head, rather than by the chair of the board of county commissioners on behalf of the county manager.

This section became effective August 1, 2016.

H1023 - Municipal Service Districts/Statutory Changes. (SL 2016-8)

S.L. 2016-8 requires additional accounting of certain contractors of cities with respect to municipal service districts, requires that an ordinance to establish a municipal service district be adopted at two separate meetings of the city council, and establishes a process by which property owners may petition for creation or reduction of a municipal service district. This act was recommended by the Legislative Research Commission Committee on Municipal Service Districts.

This act became effective June 1, 2016, and applies to contracts entered into on or after that date.

H1030 - 2016 Appropriations Act.

Sec. 14.22: Beach Nourishment Studies. (SL 2016-94)

Sec. 14.22 of S.L. 2016-94 directs three new beach nourishment studies, as follows:

- The first study requires the Division of Coastal Resources in the Department of Environmental Quality (DEQ) to study the benefits of out-of-state coastal storm damage reduction and beach nourishment projects to public infrastructure, public and private property, small business, and tourism in the State. The Division must report its results to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources (ANER Oversight Committee) by November 1, 2016.
- The second study requires each County Tax Office in Brunswick, Carteret, Currituck, Dare, Hyde, New Hanover, Onslow, and Pender counties to compile information on the ownership and mailing addresses for the property in the county and any other mailing addresses associated with the property outside of those coastal counties. Each County Tax Office must submit an electronic list of the property addresses to DEQ and the ANER Oversight Committee by November 1, 2016.
- The third study requires the Department of Commerce to compile readily available economic data that quantifies the contribution of the coastal economy to the State's economy as a whole and directs the Department of Commerce to report its results of the study to DEQ and the ANER Oversight Committee by November 1, 2016.

In addition, this section directs DEQ to include these studies as appendices to the Beach and Inlet Management Plan required by the 2015 Appropriations Act (Sec. 14.6(b)(4) of S.L. 2015-241).

This section became effective July 1, 2016.

H1030 - 2016 Appropriations Act.

Sec. 14.23: Extend the Sunset on Allowable Term Length of Certain State Revolving Loan Funds. (SL 2016-94)

Sec. 14.23 of S.L. 2016-94 makes conforming changes to the Water and Sewer Service Related Changes legislation (S.L. 2015-207) to reflect Water Infrastructure loan program revisions made in the 2015 Appropriations Act, effective October 1, 2016.

This section also extends by three months to October 1, 2016, the sunset provided in S.L. 2015-207 on statutory changes that permit the Local Government Commission to authorize a 30-year maturity date for certain water infrastructure loans administered by the Division of Water Infrastructure of the Department of Environmental Quality.

Except as otherwise provided, this section became effective July 14, 2016.

H1030 - 2016 Appropriations Act.

Sec. 35.12: Repeal Light Rail Funding Cap. (SL 2016-94)

Sec. 35.12 of S.L. 2016-94 removes a \$500,000 cap on State expenditures for Strategic Transportation Investments Act-eligible light rail projects, requires previously submitted light rail projects to be resubmitted under the next round of prioritization (Prioritization 5.0), and sets maximum State funding for light rail and commuter rail transit projects at 10% of the total project cost.

This section became effective July 1, 2016.

H1035 - Local Government Commission/Training for Local Government Finance Officers. (SL 2016-84)

S.L. 2016-84 authorizes the Local Government Commission to require certain local government and public authority finance officers, or other employees who perform the duties of a finance officer, to attend training as to the powers, duties and responsibilities of a finance officer, and to charge a fee for the training.

This act became effective June 30, 2016.

S19 - Uniform Recording Fees - Register of Deeds. (SL 2016-86)

S.L. 2016-86 adjusts the uniform fee for recording deeds of trust with the Register of Deeds from \$56 for 15 pages to \$64 for 35 pages. Each additional page remains \$4.

This act becomes effective October 1, 2016

S326 - Local Governments / Buildings / Structures / Inspections. (SL 2016-122)

S.L. 2016-122 amends the law governing county and city inspection of residential structures to provide that:

- If an inspection department determines that a safety hazard exists in one of the dwelling units within a multifamily building, then the inspection department may inspect additional dwelling units in the multifamily building to determine if the same hazard exists, regardless of whether it has received a specific complaint or has actual knowledge of an unsafe condition in those units.
- The number of verified violations of housing codes or ordinances that constitute "reasonable cause" supporting an inspection is increased from 2 to 4 within a rolling 12-month period.
- Inspection departments are prohibited from discriminating between owner-occupied and tenant-occupied buildings in conducting residential inspections.
- Residential inspections conducted as part of a targeted effort in a designated area must be in response to blighted or potentially blighted conditions, and the total targeted areas may not exceed one square mile or 5% of the county, whichever is greater.
- Counties and cities may not require registration of rental property, except for individual rental units with more than 4 verified violations in a rolling 12-month period, with 2 or more verified violations in a rolling 30-day period, or property identified in the top 10% of property with crime and disorder problems.
- The general prohibition on any requirement for a residential rental property permit, other than for those units with specified and verified code or crime problems, also includes a prohibition of a registration requirement.
- Registration fee requirements must be justified and imposed on a per-unit basis and may not exceed \$500, violation of registration requirements may not be criminalized, and the counties and cities may not condition provision of utility service upon a rental property submitting to an inspection.
- "Verified violation" is defined to mean the aggregate of all violations in a unit during a 72-hour period that are not corrected within 21 days of receipt of written notice of the violation, except that if the same violation occurs more than twice in a 12-month period, it will be counted as a verified violation regardless of whether it is corrected within 21 days.
- If the violation results from prohibited tenant behavior that, under the housing code or ordinance, constitutes a violation by the property owner or manager, the violation will be deemed corrected if the owner or manager brings a summary ejectment action to remove the tenant within 30 days of written notice of the tenant-related violation.
- If a property is identified by the county or city as being in the top 10% of properties with crime or disorder problems, the county or city is required to notify the landlord and allow the landlord an opportunity to correct the issue.
- The applicable county sheriff's department or city police must assist the landlord in addressing any criminal activity. If the applicable county sheriff or city police does not cooperate in evicting a tenant, the tenant's behavior or activity shall not be counted as a crime or disorder problem.
- If the county or city takes action against an individual rental unit, the owner of the individual rental unit may appeal the decision to the housing appeals board or the planning board, or if neither is created, to the county or city manager, as applicable.

This act becomes effective January 1, 2017.

S770 - North Carolina Farm Act of 2016.

Sec. 13: Exclude Certain Minor Repairs From Building Permit Requirements. (SL 2016-113)

Sec. 13 of S.L. 2016-113 provides that no permit is required to conduct any construction, installation, repair, replacement, or alteration activities costing \$15,000 or less in residential and farm structures if the work is performed in accordance with the current edition of the North Carolina State Building Code and involves:

- Replacements of windows; doors; exterior siding; or pickets, railings, stair treads, and decking of porches and exterior decks.
- Plumbing replacements that do not change size or capacity.
- Replacement of roofing.

This section further provides that no permit is required for:

- Replacement of water heaters in one- or two-family dwellings, if (1) the energy use or thermal input does not exceed that of the water heater being replaced and there is no change in fuel, energy source, location, or routing or sizing of venting and piping, and (2) the work is performed by a person or employee of a company licensed by the State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors.
- Repair or replacement of dishwashers, disposals, electrical devices, or lighting fixtures in residential or commercial structures, if (1) the repair or replacement does not require addition or relocation of additional electrical wiring, and (2) the work is performed by a person or employee of a company licensed by the State Board of Examiners of Electrical Contractors.

This section also provides that no permit is required, either under the State Building Code or any local variant, for routine maintenance of fuel dispensing pumps and other dispensing devices.

This section becomes effective October 1, 2016.

S865 - State Health Plan/Administrative Changes/Local Governments. (SL 2016-104)

S.L. 2016-104 makes several changes to the statutes governing the State Health Plan for Teachers and State Employees (the Plan) including:

- What information and at what frequency claims processors must provide information to the Plan.
- The purposes for which the Plan may use information obtained from claims processors.
- When information obtained by the Plan may be shared with a third party.
- Under what circumstances a claims processor, who discloses information, is exempt from civil liability.

This act also increases the number of local government employees and local government employees' dependents that may participate in the Plan from 10,000 to 16,000. The act prohibits local governments from charging employees more for their coverage than allowed under the structure set by the Plan and allows local governments to determine premiums for employees' dependents, but those premiums must

not be greater than those set by the Plan. The act also sets a schedule for the increase in membership and allows local governments to withdraw from the Plan under certain circumstances.

In addition, the act clarifies when the Plan or an employer is responsible for federal filing requirements under certain sections of the Internal Revenue Code for retirees, direct bill members, and other individuals. Lastly, the act amends the definition of "health benefit plan" in the statutes governing Insurance (Chapter 58 of the General Statutes).

The provision of the act pertaining to local governments' participation in the Plan becomes effective on January 1, 2017, and applies to premiums paid on or after that date. The remainder of this act became effective July 22, 2016, and applies to contracts entered into on or after that date.