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PUBLIC/HOUSE BILLS

H 377 (2019-2020) **REDUCE TESTING**. Filed Mar 18 2019, *AN ACT TO REPLACE OR ELIMINATE CERTAIN TESTS ADMINISTERED TO STUDENTS IN PUBLIC SCHOOLS AND TO PROHIBIT HIGH SCHOOL GRADUATION PROJECTS AS A CONDITION OF GRADUATION*.

House committee substitute to the 2nd edition makes the following changes.

Regarding the components of the Statewide Testing Program set forth in GS 115C-174.11, as amended, exempts from the provisions any identification or evaluation by a local board of education under Articles 9 (Children with Chemical Dependency) or 9B (Academically or Intellectually Gifted Students) of GS Chapter 115C.

Intro. by Elmore, K. Hall, Bell, Conrad.

GS 115C, GS 116

[View summary](#)

**Education, Elementary and Secondary Education,
Government, State Agencies, State Board of Education**

H 448 (2019-2020) **PLANNING/DEVELOPMENT CHANGES**. Filed Mar 25 2019, *AN ACT TO REORGANIZE, CONSOLIDATE, MODERNIZE, AND CLARIFY STATUTES REGARDING LOCAL PLANNING AND DEVELOPMENT REGULATION*.

Includes whereas clauses.

Enacts new GS Chapter 160D, Local Planning and Development Regulation, which consolidates, reorganizes, and clarifies local planning and development regulations previously found in GS Chapter 153A, Article 18 (Planning and Regulation of Development for counties), and GS Chapter 160A, Article 19 (Planning and Regulation of Development for cities and towns), and recodifies and updates those statutes to by including changes made in 2015-2018 session laws. Consolidates city and county planning and development statutes, making the provisions applicable to local governments, while retaining necessary differences, and makes conforming changes. Additionally, makes the following changes.

Article 1, General Provisions

Establishes the scope of Article 1 as follows. Sets forth that the provisions of Article 1 apply to all development regulations and programs adopted pursuant to new GS Chapter 160D or applicable or related to local acts. Establishes that GS 160D-1-11 is applicable to the extent there are contrary provisions in local charters or acts, unless GS Chapter 160D expressly provides otherwise. Further establishes that Article 1 applies to any other local ordinance that substantially affects land use and development. Provides that Article 1 is supplemental to specific provisions included in other Articles in GS Chapter 160D, and establishes that the more specific provisions control if the two are in conflict. Permits local governments to apply any definitions and procedures authorized by GS Chapter 160D to any ordinance that does not substantially affect land use and development adopted under the general police power of cities and counties, Article 8 of GS Chapter 160A and Article 6 of GS Chapter 153A respectively, and permits local ordinances to employ any organizational structure, board, commission, or staffing arrangement authorized by GS Chapter 160D to any or all aspects of those ordinances. Clarifies that new GS Chapter 160D does not expand, diminish, or alter the scope of authority for planning and development regulation authorized by other GS Chapters.

Adds the defined terms administrative decision, administrative hearing, bona fide farm purposes, charter, conditional zoning, decision-making board, determination, development approval, development regulation, evidentiary hearing, governing board, legislative hearing, legislative decision, local government, planning and development regulation jurisdiction, site plan, special

use permit, subdivision, subdivision regulation, zoning map amendment, and zoning regulation. Amends the definitions to comprehensive plan, developer, landowner, planning board, quasi-judicial decision, and vested right.

Adds to the authorization permitting a local government to combine any regulations authorized by GS Chapter 160D into a unified development ordinance, establishing that the inclusion of a regulation authorized by GS Chapter 160D or local act in a unified development ordinance does not expand, diminish, or alter the scope of authority set by those regulations.

Adds new GS 160D-1-4 establishing that all rights, privileges, benefits, burdens, and obligations created by development approvals pursuant to GS Chapter 160D are property rights that attach and run with the land unless otherwise provided by law. Defines development approval to mean an administrative or quasi-judicial approval made pursuant to GS Chapter 160D that is written and required prior to commencing development or undertaking a specific activity, project, or development proposal. Establishes that the term includes but is not limited to zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. It also includes all other regulatory approvals required by regulations adopted pursuant to the Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Requires in GS 160D-1-5 that zoning district boundaries be drawn on a map adopted or incorporated within a duly adopted development regulation. Directs that adopted zoning district maps are to be maintained for public inspection in the office of the local government clerk or another office specified in the development regulation. Permits the zoning maps to be in paper or digital format. Authorizes development regulations to reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by state and federal agencies. Allows the regulation text or zoning map to reference a specifically adopted map or incorporate by reference the most recent officially adopted version of the agency map. Further permits the development regulation to provide that the zoning district boundaries are automatically amended to remain consistent with the changes in the officially promulgated state and federal maps so long as a copy of the currently effective version is maintained for public inspection in the office of the local government clerk or other specified office. Authorizes copies of the zoning district map reproduced by any method of reproduction that provides legible and permanent copies to be admissible as evidence and carry the same force and effect as the original map if the copies are certified by the local government clerk in accordance with GS 160A-79 or GS 153A-50 (concerning maps as evidence in actions and proceedings before courts or administrative bodies).

Amends the provisions requiring the refund of illegal fees in GS 160D-1-6 to clarify that the local government is to refund the tax, fee, or monetary contributions plus 6% interest per annum to the person who made the payment or as directed by a court if the person making the payment is no longer in existence. Clarifies that a moratorium does not override the permit choice rule of GS 160D-1-8(b) when permit processing resumes.

Makes organizational, clarifying and technical changes to the provisions in GS 160D-1-7 pertaining to the adoption of temporary moratoria on development approvals, including adding subsection descriptors. Additionally, clarifies that the governing board must hold a legislative hearing (was, a public hearing) before adopting a development regulation that imposes a development moratorium with a duration of 60 days or less, except in cases of imminent and substantial threat to public health and safety. Defines legislative hearing to mean a hearing to solicit public comment on a proposed legislative decision. Amends the exceptions set forth to clarify that a development moratorium adopted pursuant to GS 160D-1-7 does not apply to any project for which a special use permit application has been accepted as complete (previously, for which a conditional use permit application or special use permit application has been accepted).

Amends the provisions pertaining to vested rights and permit choice in GS 160D-1-8. Deletes portions of the previously stated findings of the General Assembly. Consistent with prior rules, permits an applicant to choose which version of a development regulation applies to the applicant's application when the application is made in accordance with local regulation and submitted for development approval required pursuant to GS Chapter 160D, and a development regulation changes between the time the permit application was submitted and a permit decision is made. Specifies that when a development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the applicant is not required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. Adds new provision allowing a person claiming a statutory or common law vested right to submit information to substantiate the claim to the zoning administrator or other officer designated by a development regulation who is to make the initial determination as to the existence of the claimed vested rights. Defines vested right to mean the right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in GS 160D-1-8 or under common law. Sets out a right to appeal the zoning administrator or officer's determination pursuant to GS 160D-4-5, enacted below, to the board

of adjustment and thereafter superior court. Requires the existence of a vested right to be reviewed de novo on appeal. Alternatively permits a person claiming a vested right to bring an original civil action as provided by GS 160D-4-5(c).

Establishes that amendments in local development regulations are not applicable or enforceable with regard to development that has been permitted or approved pursuant to the Chapter prior to the enactment of the regulation making the change(s) so long as one of the specified approvals remains valid and unexpired, subject to permit choice. Clarifies that the establishment of a vested right pursuant to the statute does not preclude the establishment of one or more other vested rights or vesting by common law principles. Details the types of vested rights and specifies their respective limitations, including (1) building permits, expiring six months after issuance unless otherwise provided; (2) all other local development approvals, expiring one year after issuance unless otherwise provided; (3) site specific vesting plans, expiring two to five years as specified; (4) multiphase developments, remaining vested for a period of seven years as provided; and (5) development agreements approved under Article 10 of GS Chapter 160D, remaining vested indefinitely. Deletes the provisions concerning phased development plans. Details the relation to building permits, specific requirements, and the process of approval and amendments of site-specific vesting plans. Clarifies that what constitutes a site-specific vesting plan is defined by the relevant development regulation, and the development approval that triggers vesting must be identified at the time of its approval. Provides that if a site specific vesting plan is based on approval required by a local development regulation, the local government must provide whatever notice and hearing is required for that underlying approval; and if the site vesting plan is not based on approval required by a local government regulation, a legislative hearing with notice as required by GS 160D-6-2 must be held. Establishes that if the duration of the underlying approval is less than two years, there is no effect on the duration of the site-specific vesting plan established pursuant to this provision. Explicitly allows for an approved site-specific vesting plan and its conditions to be amended with the approval of the owner and the local government if (1) any substantial modification is reviewed and approved in the same manner as the original approval and (2) minor modifications are approved by staff, if defined and authorized by local regulation. Establishes that following approval or conditional approval of a statutory vested right (previously, of a site-specific development plan or a phased development plan), a local government can make subsequent reviews and require approval by the local government to ensure compliance with the terms and conditions of the original approval, so long as the reviews and approvals are not inconsistent with the original approval. Makes conforming changes to the subsection pertaining to exceptions, to clarify that the specified exceptions to vested rights applies to all statutory vested rights created by the statute, meaning site-specific vesting plans and multiphase development. Amends the first exception to clarify that zoning action can be taken that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, if after notice and an evidentiary hearing (was, public hearing), it was found that (1) natural or man-made hazards on or in the immediate vicinity of the property would pose a serious threat to the public health, safety and welfare or (2) that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right. Further allows the local government to modify the affected provisions of a vested right upon finding that a change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing (previously did not specify evidentiary hearing). Defines evidentiary hearing to mean a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter. Eliminates a miscellaneous provision that is now substantively included in the new term site-specific vesting plan in GS 160D-1-2.

Amends the provisions pertaining to conflicts of interest in GS 160D-1-9. Provides that members of appointed boards cannot vote on any advisory or legislative decision regarding a development regulation adopted pursuant to GS Chapter 160D (previously, on any zoning map or text amendment) where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member. Adds that a governing board member cannot vote on any zoning amendment if the landowner of the property subject to a rezoning petition or applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. Makes substantively identical changes to the conflict-of-interest provisions pertaining to members of appointing boards providing advice to the governing board. Similarly, prohibits any administrative staff member from making a final decision on an administrative decision required by GS Chapter 160D that would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. Further provides that if a staff member has a conflict of interest as described, the decision must be assigned to the supervisor of the staff person or other staff person as designated by the development regulation or ordinance. Defines close familial relationship as a spouse, parent, child, brother, sister, grandparent, or grandchild, and includes step, half, and in-law relationships.

Sets out provisions pertaining to statutory construction.

Expressly states that the enactment of GS Chapter 160D does not require the readoption of any local government ordinance enacted pursuant to laws that were in effect before the effective date of GS Chapter 160D, and are restated or revised herein. Nor does the new Chapter affect any act heretofore done, any liability incurred, any right accrued or vested, or any suit in prosecution begun or cause of action accrued as of the effective date of GS Chapter 160D. Provides that the enactment of GS Chapter 160D does not amend the geographic area within which local government development regulations adopted prior to January 1, 2019, are effective. Further provides that the savings provisions of GS 153A-3 and 160A-3 are applicable to this Chapter, and the Chapter does not repeal or amend a charter or local act in effect as of the effective date of the Chapter unless the Chapter or a subsequent enactment of the General Assembly clearly shows a legislative intent to repeal or supersede that charter or local act. Adds language to modify provisions in local ordinances referencing repealed or superseded provisions that are inconsistent with this act to be consistent with this act.

Article 2, Planning and Development Regulation Jurisdiction

Amends provisions pertaining to municipal extraterritorial jurisdiction in GS 160D-2-2. Provides that municipal extraterritorial areas cannot be extended from a city's primary, contiguous boundaries and cannot be applied to satellite areas. Permits a city to exercise in its extraterritorial area all power conferred by GS Chapter 160D that it is exercising within its corporate limits. Adds new provision permitting a county to elect to exercise the particular type of regulation in the extraterritorial area if a city fails to extend that particular type of development regulation to the extraterritorial area. Clarifies that the hearing to be held prior to the adoption of an ordinance extending the area of extraterritorial jurisdiction is legislative (previously, only specified public) and that the required notice of the hearing is to be mailed at least 30 days prior to the date of the hearing (previously, four weeks prior to the hearing). Adds to the provisions concerning boundaries that boundaries can follow parcel ownership boundaries. Provides that prior to the transfer of jurisdiction authorized in previous provisions, the city or county receiving jurisdiction can adopt and effect regulations concurrently upon assumption of jurisdiction. Makes organizational and technical changes.

Adds new GS 160D-2-3 to authorize multiple local governments sharing jurisdiction on a single parcel of land to agree to assign exclusive jurisdiction for the entire parcel to one unit of local government. Requires the mutual agreement to be formally adopted by resolutions by each governing board and recorded with the register of deeds in the county where the property is located within 14 days of the adoption of the last required resolution.

Adds new GS 160D-2-4 to authorize a potential receiving jurisdiction to process applications and conduct hearings for proposed development where there is a pending shift in jurisdiction, so long as no final action can be taken prior to the actual transfer of jurisdiction.

Article 3, Boards and Organizational Arrangements

Consolidates existing provisions and updates references in the regulations concerning planning boards established or designated by local governments in GS 160D-3-1. Adds the express duty of a planning board to facilitate and coordinate citizen engagement and participation in the planning process, as well as the duty to provide a preliminary forum for review of quasi-judicial decisions provided that no part of the forum or recommendation can be used as a basis for the deciding board.

Adds to the provisions pertaining to boards of adjustment in GS 160D-3-2 to establish that if any board of adjustment is assigned decision-making authority for any quasi-judicial matter, that board must comply with all of the procedures and processes applicable to a board of adjustment in making quasi-judicial decisions.

Concerning historic preservation in GS 160D-3-3, recognizes that both counties and municipalities can establish historic preservation commissions. Makes conforming changes through GS 160D-3-3. Establishes that historic preservation commissions have the same duties specified in GS 160D-9-42.

Concerning appearance commissions, establishes in GS 160D-3-4 that appearance commissions have the duties specified in GS 160D-9-60. Makes technical changes.

Clarifies in GS 160D-3-5 that a local government can designate the board of adjustment as its housing appeals board instead of establishing a housing appeals board. Establishes that the housing appeals board has the duties specified in GS 160D-12-8.

Consistent with previous language, authorizes a local government in GS 160D-3-6 to establish additional advisory boards as deemed appropriate by ordinance. Requires the ordinance to specify the compositions and duties of an additional advisory

board.

Clarifies in GS 160D-3-7 that the population estimates for the required proportional representation a city must satisfy in exercising extraterritorial powers must be updated no less frequently than after each decennial census. Adds the historic preservation commission to the boards and appearance commission that are required to have at least one resident of the entire extraterritorial planning and development regulation area if there are historic districts or designated landmarks in the extraterritorial area. Requires appointment of members of joint municipal-county planning agencies or boards of adjustment to be made by the county within 90 days (previously, 45 days) following the required hearing. Makes organizational and technical changes.

Establishes in GS 160D-3-8 that rules of procedure for any or all boards created by a governing board are binding, but in the absence of action by the governing board, each board created under Article 3 is expressly authorized to adopt its own rules of procedure consistent with GS Chapter 160D. Requires a copy of any adopted rules to be maintained by the local government clerk or other official designated by ordinance, and posted on the local government website if one exists. Directs each board to keep minutes of its proceedings.

Adds new GS 160D-3-9 to require all members appointed to boards under Article 3 to qualify by taking an oath of office as required by GS 153A-26 and GS 160A-61 before entering their duties.

Adds new GS 160-3-10 to clarify that unless otherwise specified by statute or local ordinance, all appointments to boards authorized by GS Chapter 160D must be made by the governing board of the local government. Permits the governing board to establish reasonable procedures to solicit, review, and make appointments.

Article 4, Administration, Enforcement, and Appeals

Establishes the scope of Article 4, consisting of the administration, enforcements, and appeals provisions, providing that Article 4 applies to all development regulations adopted pursuant to GS Chapter 160D. Permits local governments to apply any definitions and procedures authorized by Article 4 to any ordinance adopted under the general police power of cities and counties, Article 8 of GS Chapter 160A and Article 6 of GS Chapter 153A respectively, and employ any organizational structure, board, commission, or staffing arrangement authorized by Article 4 to any or all respects of those ordinances. Specifies that the provisions of Article 4 also apply to any other local ordinance that substantially affects land use and development. Adds that the provisions of Article 4 are supplemental to specific provisions included in other Articles of GS Chapter 160D, and that the more specific provisions control if there is a conflict. Provides that Article 4 does not expand, diminish, or alter the scope of authority for development regulations authorized by GS Chapter 160D.

Expressly authorizes in GS 160D-4-2 local governments to appoint administrators, inspectors, enforcement officers, planners, technicians, and other staff to develop, administer and enforce development regulations authorized by GS Chapter 160D. Delineates the duties that local governments may include in the duties assigned to administrative staff, but does not limit local governments to those specified duties. Makes conforming change to permit a development regulation to require that designated staff members take an oath of office. Establishes that the administrative and enforcement provisions related to building permits set forth in Article 11, below, must be followed for those building permits. Concerning alternative staff arrangements, clarifies that a staff member that is designated from another city or county pursuant to GS 160D-4-2(c) must be considered an agent of the local government while exercising the duties of the position (previously, must be considered a municipal employee). Expressly authorizes local governments to fix reasonable fees for support, administration, and implementation of programs authorized by GS Chapter 160D, but limits the use of the fees to these purposes. Makes technical and clarifying changes.

Clarifies that persons are prohibited from commencing or proceeding with development without first securing any required development approval from the local government with jurisdiction over the site of the development, to the extent consistent with the scope of regulatory authority granted by GS Chapter 160D. Permits a local government to issue development approvals under GS 160D-4-3 in print or electronic form, requiring any development approval issued exclusively in electronic form to be protected from further editing once issued. Clarifies that applications for development approvals may be made by the landowner, a lessee, or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. Permits an easement holder to apply for development approval for development as authorized by the easement. Provides that a development regulation enacted under the authority of GS Chapter 160D can designate the staff member(s) charged with making determinations under the development regulation. Clarifies the requirements for notice of a determination, to specifically require the written notice be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party

seeking the determination is different from the owner. Establishes that absent a different period specified by GS Chapter 160D, other applicable law, quasi-judicial development approval, a development agreement, or local ordinance, a development approval issued pursuant to Article 4 expires one year (previously, six months) after the date of issuance if the work authorized by the development approval has not been substantially commenced. Makes conforming changes. Clarifies that the provisions regarding the duration of development approval do not limit any vested rights secured under GS 160D-1-8. Adds that local development regulations can provide for development approvals of shorter duration for temporary land uses, special events, temporary signs, and similar development. Establishes that the time periods set out in GS 160D-4-3(c) are tolled during the tendency of any appeal. Clarifies that the local government must follow the same development review and approval process required for issuance of the development approval in the review and approval of any major modification of that approval. Concerning inspections, requires the appropriate consent to have been obtained for inspection of areas not open to the public or that an appropriate inspection warrant secured. Concerning the revocation of development approvals, requires the local government to follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Clarifies that development approvals can be revoked for failure to comply with any State law delegated to local government for enforcement purposes in lieu of the State; makes conforming changes to enforcement provisions set forth in GS 160D-4-4. Sets out that if an appeal is filed regarding a development regulation adopted by a local government pursuant to GS Chapter 160D, the provisions of GS 160D-4-5(e) regarding stays is applicable. Expressly authorizes a regulation adopted pursuant to GS Chapter 160D to require notice and/or informational meetings as part of the administrative decision-making process. Makes technical changes.

Sets forth notice requirements for violations of the terms of a development approval in GS 160D-4-4. Requires the person providing the notice of violation to certify to the local government that the notice was provided, and establishes this certificate conclusive in the absence of fraud. Permits a notice of violations to be appealed to the board of adjustment pursuant to GS 160D-4-5 except as provided in GS 160D-11-23, GS 160D-12-6 (concerning building permits), or otherwise provided by law. Makes organizational, technical and clarifying changes to the provisions pertaining to stop work orders and remedies.

Concerning appeals of administrative decisions in GS 160D-4-5, makes generalized changes to establish uniform times and procedures for all administrative appeals, with necessary variations provided in more specific provisions in other Articles. Provides that any board making quasi-judicial decisions is subject to the same procedures and limitations applicable to boards of adjustment making similar changes. Makes conforming changes throughout GS 160D-4-5 to refer to the "board" instead of "board of adjustment." Adds new provision to provide that a person with standing can bring a separate and original action to challenge the constitutionality of an ordinance or development regulation, or whether the ordinance or development regulation is ultra vires, preempted, or otherwise in excess of statutory authority, without filing an appeal as specified. Establishes that in the absence of evidence to the contrary, notice of determination made pursuant to GS 160D-4-3(b) given by first class mail is deemed to have been received on the third business day following deposit of the notice for mailing with the US Postal Service. Makes technical and clarifying changes.

Concerning quasi-judicial procedure, GS 160D-4-6 requires boards to follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision. Clarifies that the required hearing under GS 160D-4-6 is evidentiary. Authorizes a board to continue an evidentiary hearing that has been convened without further advertisement. Establishes that if an evidentiary hearing is set for a given date and a quorum of the board is not present then, the hearing must be continued until the next regular board meeting without further advertisement. Explicitly provides that the application, staff, report, and other relevant administrative materials must be provided to the board for appeals. Allows, but does not require, materials to be submitted to the board prior to the hearing, but requires copies be provided to all parties at the same time the material is distributed to the board. Establishes that the applicant, the local government, and any person who would have standing to appeal the decision under GS 160D-14-2(d) has the right to participate as a party at the evidentiary hearing. Permits other witnesses to present competent, material, and substantial evidence that is not repetitive as allowed by the board. Provides that objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. Requires the board chair to rule on any objections and allows the chair's rulings to be appealed to the full board. Establishes that these rulings are also subject to judicial review pursuant to GS 160D-14-2. Further provides that objections based on jurisdictional issues may be raised for the first time on judicial review. Clarifies that not all staff members involved in staff review are required to attend the hearing, but instead only the official responsible for the decision is required to attend the hearing. Makes conforming, clarifying and technical changes.

Article 5, Planning

Enacts new GS 160D-5-1, requiring a local government to adopt and reasonably maintain a comprehensive plan as a condition of adopting and applying zoning regulations under GS Chapter 160D, to set forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. Sets forth specifics that can be addressed in a comprehensive plan, as determined by the local government. Additionally, sets forth procedures and requirements for the adoption of a comprehensive plan, including a public hearing with published notice and planning board referral prior to the governing board's adoption of the plan. Additionally authorizes local governments to adopt other plans deemed appropriate, including land-use plans, small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans and recreation and open space plans. Requires such additional plans to be considered for review of proposed zoning amendments if adopted pursuant to the process set forth in GS 160D-5-1. Establishes that the plans adopted under the Chapter do not alter the scope of authority for development regulations adopted under the Chapter. Provides that plans adopted prior to the effective date of this act are not affected. Requires that if a plan is deemed amended under GS 160D-6-5 by virtue of adoption of a zoning amendment that is inconsistent with the comprehensive plan, that amendment must be noted in the plan. Establishes that if the plan is one that requires review and approval subject to GS 113A-110, the plan amendment is not effective until the review and approval is completed.

Explicitly authorizes in GS 160D-5-3 a local government to undertake any of the planning activities authorized by Article 5 in coordination with other local governments, state agencies, or regional agencies created under Article 19 of GS 153A or Article 20 of GS Chapter 160A. Clarifies in GS 160D-5-2 that the authority to make appropriations for compensation applies to planning board members (was, board members).

Article 6, Development Regulation

Establishes that a development regulation adopted under the Chapter must be adopted by ordinance. Clarifies the process for adoption of development regulations in GS 160D-6-1, providing that the required hearing is evidentiary in nature. Clarifies abutting for purposes of the notice requirement includes notice to properties immediately across a right-of-way even if properties do not touch because they are separated by a transportation right-of-way that is owned in fee rather than as an easement. Clarifies that the optional notice applies for large-scale zoning map amendments, as specified, which propose to change zoning designation. Provides that if the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under GS 160D-2-2, a single hearing on the zoning map amendment and the boundary amendment may be held, and the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing. Clarifies that the notice of a hearing for a zoning map amendment must be posted on the site proposed for the amendment or on an adjacent street or highway right-of-way within the same time period specified for mailed notices of the hearing. Adds that when a zoning amendment is proposed, a zoning regulation may require communication by the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents. Makes organizational and technical changes.

Concerning citizen comments addressed in GS 160D-6-3, clarifies that the scope of the provisions include citizen comments on proposed text or map amendments. Provides further guidance for proposed changes which are the subject of a quasi-judicial proceeding under any statute.

Concerning the planning board's review and comment of a proposed zoning regulation, specifies in GS 160D-6-4 that public meetings as well as legislative hearings can be held by the planning board in the course of preparing the development regulation. Adds clarification that the review and comment required cannot be assigned to the governing board and must be performed by a separate board.

Concerning the required governing board statement in GS 160D-6-5, lists what can be included in the statement analyzing the reasonableness of the proposed rezoning, which must be approved by the governing board when adopting or rejecting any petition for a zoning map amendment. Clarifies that the statement of reasonableness and the plan consistency statement required by GS 160D-6-4 may be approved as a single statement.

Article 7, Zoning Regulation

Makes conforming changes to the Article's language concerning zoning regulation.

Clarifies in GS 160D-7-2 that the authorization for a local government to regulate development over estuarine waters and over lands covered by navigable waters owned by the State includes floating homes. Expressly authorizes a zoning regulation,

where appropriate, to include requirements that performance guarantees be provided to the same extent and with the same limitations as provided in GS 160D-8-4. Makes organizational and technical changes.

Concerning the provisions pertaining to zoning districts, makes organizational, technical and clarifying changes to the types of zoning districts in GS 160D-7-3. Now provides that zoning districts can include but are not limited to: (1) conventional districts, in which a variety of uses are allowed as permitted uses or uses by right and that may also include uses permitted only with a special use permit; (2) conditional districts, in which site plans or individualized development conditions are imposed; (3) form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces, and streetscapes; (4) overlay districts, in which different requirements are imposed on certain properties within one or more underlying conventional, conditional, or form-based districts; and (5) districts allowed by charter.

Concerning conditional districts, allows the zoning regulation to provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted to be reviewed and approved administratively, while any other modifications of the conditions and standards in a conditional district are required to follow the same process for approval as are applicable to zoning map amendments. Establishes that if multiple parcels of land are subject to a conditional zoning, the owners of individual parcels can apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Further provides that any modifications approved are only applicable to those properties whose owners petition for the modification.

Clarifies that a zoning regulation or unified development ordinance can also include development standards that apply uniformly jurisdiction-wide rather than being applicable only in particular zoning districts. Makes other organizational and technical changes.

Makes technical and clarifying changes to the incentives provisions in GS 160D-7-4.

Makes organizational and technical changes to the provisions concerning quasi-judicial zoning decisions in GS 160D-7-5. Establishes that the procedures of GS 160D-4-5 and 4-6 are applicable to appeals from administrative decisions regarding administration and enforcement of the zoning regulation or unified development ordinance, and appeals arising out of any ordinance that regulates land use or development, to be heard by the board of adjustment. Makes conforming changes.

Concerning special use permits, allows a regulation to provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development can be reviewed and approved administratively, but any other modification or revocation of a special use permit must follow the same process for approval as is applicable to the approval of a special use permit. Establishes that if multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Provides that any modifications approved are only applicable to those properties whose owners apply for the modification. Allows the regulation to require that special use permits be recorded with the Register of Deeds.

Concerning authorized variances by the board of adjustment, permits a variance to be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

Makes conforming changes to GS 160D-7-6 concerning zoning conflicts with other development standards to refer to regulations adopted under Article 7 (rather than Part, transferred from existing law).

Makes organizational changes.

Article 8, Subdivision Regulation

The statutes currently define the term subdivision with regard to division of tracts or parcels of land. Amends GS 160D-8-2 to clarify that subdivision regulations, as authorized in GS 160D-8-1, apply to all such divisions. Makes conforming changes.

Further requires in GS 160D-8-3 that subdivision regulations must contain standards to be followed in granting or denying subdivision plats prior to registration. Requires a subdivision regulation to allow listed agencies to make recommendations concerning an individual plat before it is approved (currently required of cities in GS 153A-332, but not of counties in GS 160A-373). Provides for the assignment of the final decision on a subdivision plat, depending on whether the decision is administrative or quasi-judicial. Makes changes to simplify language.

Consolidates existing provisions regarding transportation and utilities in GS 160D-8-4. Clarifies that subdivision regulations are not required to provide for fees in lieu of dedication of land or construction of facilities, but that if such provisions are allowed by the ordinance and are elected for use in a particular plat review, they are binding on the local government and the owner. Provides that the funds are for the city, and not the county, as counties have no authority for a county streets or roads. Concerning the payment of funds to acquire or develop recreation areas serving residents of a development or subdivision, specifies that the funds received by municipalities must be used only for the acquisition or development of recreation, park, or open space sites; and restricts counties further, limiting their use of such funds to the acquisition of such sites. Deletes the provision requiring a local government to provide a range of options for performance guarantees, and provides that the type of performance guarantee is at the election of the person required to give the performance guarantee, rather than the developer, to reflect amendments made by SL 2015-187. Deletes redundant language. Makes technical and conforming changes.

GS 160D-8-5 further authorizes local governments to give notice to interested parties by other reasonable means, in addition to email, as currently authorized. Deletes the provision authorizing notice by facsimile. Makes technical and conforming changes.

Provides in GS 160D-8-8 for appeals of subdivision decisions in accordance with GS 160D-14-3.

Article 9, Regulation of Particular Uses and Areas

Part 1, Particular Land Uses

Consolidates provisions regarding regulation of particular land uses into a single Part for ease of user access. Recognizes that regulation of some specific uses or areas can be accomplished as a general police power regulation as well as a development regulation, a unified development ordinance, or in separate development regulations adopted under this Article (which is commonly done in counties without zoning and in smaller cities). Allows use of either source of authority, but provides that the local regulation must be consistent with these provisions and limitations. Preserves the option of cities and counties to adopt regulations under either this Chapter (development regulations), Article 8 of Chapter 160A, or Article 6 of Chapter 153A (general police power), but specifies that the substantive limitations imposed by this Article apply regardless of the source of authority being used by the local government.

GS 160D-9-3 clarifies that county zoning exemptions for bona fide farming apply to city zoning within a city's extraterritorial jurisdiction, providing the same zoning and other development regulation treatment for farm land in a municipal extraterritorial jurisdiction as would be provided if the property were in county jurisdiction. Replaces a reference to compliance with a specific federal regulation on floodplain regulation with compliance with state or federal law generally. Amends a provision to authorize municipalities to exempt accessory buildings of "bona fide farms" from the building code as they would have been exempted under county zoning (currently, only authorizes listed municipalities in Wake County). Simplifies language. Deletes redundant language. Makes technical and conforming changes.

Authorizes local governments to enact and enforce airport zoning regulations under this Chapter or under Chapter 63, Article 4, or GS 63A-18, as specified. Cross-references the 1941 Model Airport Zoning Act, and preserves the current jurisdictional relationship between local zoning and zoning by the Global Transpark Authority.

Provides for the zoning of family care homes as residential property. Provisions are identical to those in GS 168-20 through GS 168-22. Does not repeal identical statutes in GS Chapter 168.

Provides in GS 160D-9-9 that a local government cannot adopt or enforce zoning regulations or other provisions that exclude manufactured homes based on the age of the home.

Provides in GS 160D-9-10 that modular homes must comply with standards in GS 143-139.1. Defines modular homes to be as defines in GS 105-164.3(21b).

GS 160D-9-11 provides that local governments may require the removal of a nonconforming off-premises outdoor advertising sign (as currently provided in the police power Articles of GS Chapters 153A and 160A), cross-referencing the Outdoor Advertising Control Act. Establishes that the provisions regarding compensation for certain removal are to be construed subject to and without any reduction in the rights afforded to owners of outdoor advertising signs along interstate and federal-aid primary highways in the State under Article 13, GS Chapter 136. Provides that this statute does not apply to any ordinance in effect on July 1, 2004 (was, the effective date of the statute, which was July 17, 2004). Makes conforming changes.

Cross-references GS 160A-400.9(f) and new GS 160D-9-47, concerning public buildings in historic districts in GS 160D-9-12, to indicate exceptions in those statutes to the prohibition on including land owned by the State within overlay districts or

conditional zoning districts without Council of State approval. Authorizes the Council of State to delegate its decision regarding overlay and conditional zoning districts. Makes conforming changes.

GS 160D-9-15 authorizes local governments to establish street setback and driveway connection regulations under GS 160A-306, GS 160A-307, or this Chapter. Provides that regulations under this chapter are also subject to GS 160A-306 and GS 160A-307.

Part 2, Environmental Regulation

Authorizes local governments to exercise powers under GS Chapter 160A, Article 8, and GS Chapter 153A, Article 6 to adopt and enforce regulations under this Part to comply with State and federal law, and consistent with the interpretations and directions of State and federal agencies. Provides that local environmental regulations under this Part are not subject to GS 160D-7-5's variance provisions unless specifically authorized by the local ordinance.

Amends GS 160D-9-22 to further provide that regulations on erosion and sedimentation control are subject to this Chapter, to the extent not inconsistent with GS Chapter 113A, Article 4. Makes conforming changes.

GS 160A-9-23 provides that floodplain regulations are subject to this Chapter, to the extent not inconsistent with GS 143, Article 21, Part 6. Makes conforming changes.

GS 160D-9-24 provides that mountain ridge protections are subject to this Chapter, to the extent not inconsistent with GS Chapter 113A, Article 14, unless the local government has removed itself from that Article's coverage.

GS 160D-9-26 authorizes local governments to enact and enforce water supply watershed management and protection regulation pursuant to GS 143-214.5, provided not inconsistent with the Chapter.

Part 3, Wireless Telecommunication Facilities

Makes clarifying and conforming changes.

Part 4, Historic Preservation

Deletes the provision currently at GS 160A-400.2, authorizing counties and cities to engage in historical preservation, which is unnecessary given the merger of city and county provisions.

Directs local governments in GS 160D-9-41 to establish or designate a historic preservation commission before designating landmarks or historic districts, in accordance with new GS 160D-3-3, where the requirements for such a commission, currently at GS 160A-400.7, are recodified.

Amends GS 160D-9-44 to provide that historic districts established pursuant to this Part shall consist of areas deemed to be of special significance in terms of their history, prehistory, architecture, or (was, and/or) culture, and to possess integrity of design, setting, materials, feeling, and association.

GS 160D-9-46 makes the notice requirements for a hearing on the proposed landmark consistent with GS 160D-6-1, concerning procedure for adopting other zoning regulations. Deletes the provision clarifying that hearings on the proposed landmark are subject to open meetings laws. Requires owners and occupants of designated landmarks to be given notice within a reasonable time of the adoption of the regulation (currently, required insofar as reasonable diligence permits). Makes conforming changes.

GS 160D-9-47 retains requirement that certificates of appropriateness be issued prior to building permits, but deletes the provision requiring issuance of certificates of appropriateness prior to other permits. Clarifies that required standards (was, guidelines) adopted by the commission for new construction and so forth at the landmark or historic district are binding and not advisory. Applies the standard quasi-judicial decision process for all quasi-judicial decisions under this article, replacing the similar-but-different procedure for the issuance of certificates of appropriateness. Deletes the provision requiring compliance with open meetings laws. Provides procedure for appeal of administrative decisions, including an option for local regulation to allow certiorari appeal to the board of adjustment, and an appeal to superior court. Provides that appeals to superior court must be taken within the times prescribed in GS 160D-14-4, and deletes the provision making appeal to superior court a certiorari appeal. Deletes redundant language, and makes technical and conforming changes.

GS 160D-9-50, concerning demolition by neglect to contributing structures outside local historic districts, deletes the provision applying this statute only to local governments with a population of more than 100,000. Makes conforming changes.

Part 5, Community Appearance Commissions

Makes clarifying and conforming changes.

GS 160D-10-1 authorizes local governments to enter into development agreements with developers. Amends legislative findings to remove size and duration limits regarding development projects. Provides that local governments, and not agencies, may enter into development agreements. Makes simplifying and clarifying changes. Incorporates provisions from GS 160A-400.32 and GS 153A-349.1 providing that development agreements do not exempt property owners or developers from the State building code or State or local housing codes. Incorporates definitions currently in GS 160A-400.21 and GS 153A-349.2.

GS 160D-10-3 concerns approval of the governing board for development agreements. Provides that decisions on proposed development agreements are legislative decisions, and requires adherence to the notice, hearing, and planning board referral provisions in Article 6. Authorizes the concurrent processing and considering of rezoning and development agreements, and the coordinated exercise of related development approvals for a project subject to a development agreement. Provides for treatment of a development agreement in the event of a developer's bankruptcy.

GS 160D-10-5 requires public hearings on development agreements. Specifies that the hearing is a legislative hearing, and applies the notice requirements of GS 160D-6-2. Relocates the provision on the delivery date for public facilities to GS 160D-10-6.

GS 160D-10-6 concerns the content of a development agreement. Requires the agreement to include any provisions to protect environmentally sensitive property that exceed existing laws. Deletes the provision requiring the agreement to list all required state and local permits. Deletes superfluous language. Provides for the requirement of a development schedule, if required by local ordinance or the agreement itself. Authorizes utility authorities to be made a party to the development agreement. Provides that the applicant and local government can through negotiation agree to the provision and cost-sharing for public facilities and other amenities related to the development, so long as impact mitigation measures beyond those required by the local government are expressly enumerated, and does not include a prohibited tax or impact fee. Makes conforming changes.

GS 160D-10-8 concerns breach of the development agreement. Makes periodic review by the zoning administrator optional, instead of mandatory. Authorizes ordinances or development agreements to specify additional penalties for breach, in lieu of termination. Authorizes enforcement by any party to the agreement.

GS 160D-10-9 concerns amendment or termination of development agreements. Provides that amendment or termination is subject to GS 160D-10.6(e), and makes technical changes.

Recodifies GS 160A-400.29 and GS 153A-349.10, requiring a developer to record a development agreement with the register of deeds, as GS 160D-10-11. Prohibits development approval issuance until the agreement is recorded. Simplifies language.

Article 11, Building Code Enforcement

Amends GS 160D-11-2, building code administration, by deleting the provision that allowed an inspection department to be headed by a superintendent or director of inspections and outdated language.

Amends GS 160D-11-3, qualifications of inspectors, by no longer referring to a probationary certificate as being valid for only one year. Deletes obsolete provisions concerning electrical inspector qualifications.

Amends GS 160D-11-8, conflicts of interest, to specify that staff members, agents, or contractors responsible for building inspections must comply with GS 160D-1-9(c) (concerning conflicts of interest for administrative staff).

Makes clarifying changes to GS 160D-11-10, building permits.

Amends GS 160D-1-16, certificates of compliance, by adding that local governments may require the applicant for a temporary certificate of occupancy to post suitable security to ensure code compliance.

Amends GS 160D-11-17, periodic inspections, to require that dwelling inspections follow the provisions of GS 160D-12-7.

Amends GS 160D-11-19 to expand the scope of specified provisions which were previously applicable only to cities. Now allows an inspector to declare a nonresidential building or structure within a community development target area to be unsafe

if: (1) it appears to the inspector to be vacant or abandoned and (2) it appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, or a fire or safety hazard; to be a danger to children; or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance. Requires an inspection, upon declaring a nonresidential building or structure to be unsafe, to affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the building. Defines the term community development target area for the purposes of the statute to mean an area that has characteristics of an urban progress zone under GS 143B-437.09, a nonresidential redevelopment area under GS 160A-503(10), or an area with similar characteristics designated by the governing board as being in special need of revitalization for the benefit and welfare of its citizens. Allows a local government to expand these provisions so that they apply to residential buildings by adopting an ordinance. Requires the local government to hold a legislative hearing, with published notice, before adopting such an ordinance.

Amends GS 160D-11-25, Enforcement, by expanding the scope of the following provisions so that they are now applicable to both counties and cities (was, cities only). Allows a local government, in the case of a building or structure declared unsafe to, in lieu of taking action under subsection (a) of the statute, cause the building or structure to be removed or demolished. Specifies that the amounts incurred by the local government in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. Requires the local government to sell the usable building material and any personal property, fixtures, or appurtenances found in or attached to the building if the building is demolished; proceeds are to be credited against the cost of the removal or demolition, with any remaining balance deposited with the clerk of superior court of the county where the property is located to be disbursed to the person found to be entitled thereto by final order or decree of the court. Specifies that nothing in the statute impairs or limits the power of a local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Amends GS 160D-11-29, regulation authorized as to repair, closing, and demolition of nonresidential buildings or structures; order of public officer, to require that a regulation relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the governing board must be applicable within the local government's entire planning and development regulation jurisdiction or limited to one or more designated zoning districts or municipal service districts.

Requires complaints or orders issued by a public officer pursuant to an ordinance adopted under this statute to be served upon persons either personally or by certified mail (was, registered or certified mail) so long as the means used are reasonably designed to achieve actual notice.

Article 12, Minimum Housing Codes

Amends GS 160D-12-3, which, upon adoption of an ordinance finding that dwelling conditions of the character described in GS 160D-12-1 exist, allows a governing board to adopt and enforce ordinances relating to dwellings within the planning and development regulation jurisdiction that are unfit for human habitation. The statute requires that the ordinances, among other provisions, include that if the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted under the statute or after a public officer issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, then the governing board may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government. Allows the governing board to, after the one-year period, enact an ordinance and serve such ordinance on the owner providing that: (1) if it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance must require that the owner either repair or demolish and remove the dwelling within 90 days or (2) if it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance must require the owner to demolish and remove the dwelling within 90 days. These provisions replace previous provisions that varied depending on size or location of the local government. Makes additional clarifying changes throughout the statute.

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regulations regarding a dwelling to be repaired or vacated and closed, then the governing board may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government. Allows the governing board to, after the one-year period, enact an ordinance and serve such ordinance on the owner providing that: (1) if it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance must require that the owner either repair or demolish and remove the dwelling within 90 days or (2) if it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance must require the owner to demolish and remove the dwelling within 90 days. These provisions replace previous provisions that varied depending on size or location of the local government. Makes additional clarifying changes throughout the statute.

Amends GS 160D-12-8 (Remedies) by specifying that an ordinance adopted pursuant to Article 12 (Minimum Housing Codes) may provide for a housing appeals board as provided by GS 160D-3-6. Makes additional clarifying and conforming changes.

Article 13, Additional Authority

Makes clarifying and conforming changes throughout the Article.

Article 14, Judicial Review

Enacts new GS 160D-14-1, allowing challenges of legislative decisions of governing boards, including the validity or constitutionality of development regulations adopted pursuant to this Chapter, and actions authorized by GS 160D-1-8(c) or (g) and GS 160D-4-5(c) to be brought pursuant to Article 26 of Chapter 1 of the General Statutes. Requires the governmental unit making the challenged decision to be named a party to the action.

Also allows upon the filing of a petition for writ of certiorari a party to request a stay of the execution or enforcement of the decision of the quasi-judicial board pending superior court review. Allows the court to grant a stay in its discretion, and on such conditions which properly provide for the security of the adverse party. A stay granted in favor of a city or county does not require a bond or other security.

Provides that if a development approval is appealed, the applicant has the right to commence work while the appeal is pending. However, if the development approval is reversed by a final decision of any court of competent jurisdiction, the applicant must not be deemed to have gained any vested rights on the basis of actions taken prior to or during the pendency of the appeal and must proceed as if no development approval had been granted. If work is commenced prior to or during the pendency of an appeal, the time periods for the duration of the development approval are not tolled during the pendency of the appeal.

Allows a declaratory judgment brought under GS 160D-14-1 or other civil action relating to the decision at issue to be joined with the petition for writ of certiorari and decided in the same proceeding.

Specifies in GS 160D-14-4 that except as expressly stated, this Article does not limit the availability of civil actions otherwise authorized by law or alter the times in which they may be brought.

Amends GS 160D-14-5 to specify that a cause of action as to the validity of any regulation adopting or amending a zoning map adopted under this Chapter or other applicable law or a development agreement adopted under Article 10 of this Chapter accrues upon adoption of such ordinance and must be brought within sixty days (was, two months) as provided in GS 1-54.1. Clarifies that except as provided by the statute, the statutes of limitations are as provided in Subchapter II of GS Chapter 1.

Makes additional clarifying changes.

Additional changes

Amends GS 1-54 to make conforming changes and to delete surplus language.

Amends GS 1-54.1 by deleting surplus language, making conforming changes, and clarifying that, as used in the statute, two months is calculated as sixty days.

Amends GS 63-31(a), GS 63-32, and GS 62-33 to make conforming and clarifying changes.

Amends GS 63-34 by deleting the content of the statute and providing instead that GS 160D-14-1 is applicable to judicial review of administrative and quasi-judicial decisions made under the Article.

Deletes the provisions of GS 63-35 and instead provides that GS 160D-4-4 is applicable to ordinances adopted under the Article.

Amends GS 143-215.57(b) to require that the jurisdiction for those ordinances be as specified in Article 2 of GS Chapter 160D and makes Article 4 of the Chapter applicable to the administration, enforcement, and appeal of those ordinances. Deletes (c) concerning the adoption of rules on the form, time, and manner of submission of applications for permits under Part 6, Floodway Regulation, of Article 21, Water and Air Resources.

Amends GS 143-215.58, GS 130A-55, GS 143-214.5(d), GS 113A-208, GS 113A-211, and GS 160A-75 by making conforming changes.

Further amends GS 160A-75 by excepting an ordinance on which a public hearing must be held before the ordinance may be adopted from the prohibition on finally adopting an ordinance or an action that the effect of an ordinance on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council.

Makes conforming repeals of the following statutes, which have been incorporated into new GS Chapter 160D: GS 153A-102.1, GS 160A-4.1, GS 160A-181.1, GS 153A-143, GS 160A-199, GS 153A-144, GS 160A-201, GS 153A-452, GS 153A-455, and Article 3 of GS Chapter 168.

Relocates language from GS 153A-325 into new GS 153A-458, submission of statement concerning improvements. Relocates language from GS 153A-349.60 into new GS 153A-459, authorization to provide grants.

Includes a severability clause.

Provides that any otherwise valid permit or development approval made prior to January 1, 2021, shall not be invalid based on inconsistency with the provisions of this act. The validity of any plan adopted prior to January 1, 2021, is not affected by a failure to comply the procedural requirements of GS 160D-5-1(b).

Deems any special use district or conditional use district zoning district that is valid and in effect as of January 1, 2021, as a conditional zoning district consistent with the terms of this act, and the special or conditional use permits issued concurrently with establishment of those districts shall be valid as specified in Section 8.1 of this act. Any valid "conditional use permit" issued prior to January 1, 2021, is be deemed a "special use permit" consistent with the provisions of this act.

Requires any local government that has adopted zoning regulations but that has not adopted a comprehensive plan to adopt such a plan no later than July 1, 2022 in order to retain the authority to adopt and apply zoning regulations.

Provides that if this act becomes law in 2019, it is the NCGA's intent that legislation in other acts enacted in the 2019 Regular Session of the General Assembly that affects statutes repealed and replaced by similar provisions in GS Chapter 160D, as enacted by this act, also be incorporated into GS Chapter 160D. Requires the North Carolina General Statutes Commission to study the need for legislation to accomplish this intent and report its findings and recommendations, including any legislative proposals, to the 2020 Regular Session of the 2019 General Assembly upon its convening.

Makes Section 10 of this act (effective date provision) effective when it becomes law. The remainder of this act becomes effective January 1, 2021, and applies to local government development regulation decisions made on or after that date. This act clarifies and restates the intent of existing law and applies to ordinances adopted before, on, and after the effective date.

Intro. by Stevens, Zachary.

[GS 1, GS 63, GS 113A, GS 130A, GS 143, GS 153A, GS 160A, GS 160D](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Development, Land Use and Housing, Land Use, Planning and Zoning](#)

ACT.

Repeals GS 45-21.33A, concerning the effect of foreclosure on preexisting tenancy. Makes conforming changes to GS 45-21.29 by deleting reference to the repealed statute and instead refers to the federal Protecting Tenants at Foreclosure Act.

Intro. by Hanig, Stevens.

GS 45

[View summary](#)

Development, Land Use and Housing, Property and Housing

H 532 (2019-2020) **DNCR ADD NEW TRAILS & VARIOUS CHANGES**. Filed Apr 1 2019, *AN ACT TO AUTHORIZE THE OVERMOUNTAIN VICTORY STATE TRAIL; TO AUTHORIZE THE WILDERNESS GATEWAY STATE TRAIL; AND TO MAKE VARIOUS CHANGES TO THE STATE PARKS ACT AND THE NORTH CAROLINA TRAILS SYSTEM ACT*.

Identical to [S 380](#), filed 3/27/19.

Section 1

Provides legislative findings. Authorizes the Department of Natural and Cultural Resources (DNCR) to add Overmountain Victory National Historic Trail (Trail), as described, to the State Parks System as a State Trail as provided in GS 143B-135.54(b). Provides parameters regarding the facilitation of trail segments and governing laws. Exempts the authorization from requirement that additions be accompanied by adequate appropriations for land acquisition, development, and operations. Authorizes the State to receive donations of appropriate land and to purchase other needed lands for the Trail with existing funds in the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Conservation Fund, and other available funding sources.

Section 2

Authorizes DNCR to add the Wilderness Gateway Trail (Trail) to the State Parks System as a State Trail as provided in GS 143B-135.54(b). Provides identical provisions, exemptions, and authorizations as provided in Section 1.

Directs the Division of Parks and Recreation of DNCR (Division) to study the feasibility of connecting the Town of Valdese, the City of Hickory, the Overmountain Victory State Trail, natural areas located in Burke and Catawba counties, and other communities and places of interest to the Trail. Requires the study to consider improving access across and from Interstate 40 to specified portions of South Mountains State Park. Requires the Division to submit a report to the specified NCGA committee and division by December 1, 2019.

Section 3

Amends GS 143B-135.43, granting DNCR the responsibility for the planning and coordination of State trails, which are deemed components of the State Parks System, authorized by GS 143B-135.54(b).

Amends GS 143B-135.92, now providing that the purpose of Part 34, North Carolina Trails System, is to provide means for attaining the specified outdoor recreation needs by instituting a State Trails System (was, a State system of scenic and recreation trails). Makes conforming changes.

Amends GS 143B-135.94, making conforming changes to refer to the State Trails System. Replaces the definition of trail, now defining the term to mean a linear corridor on land or water, protected from motor vehicles, providing public access for recreation or transportation.

Amends GS 143B-135.96, now providing that the State Trails System is composed of State trails, which are deemed components of the State Parks System, authorized by GS 143B-135.54(b), and planned and coordinated by the DNCR.

Amends GS 143B-135.104 to require DNCR to publish notice of a selected trail route together with the appropriate maps and descriptions online and at the proposed trail location (was in a newspaper of general circulation in the area in which the trail is located together with the maps and descriptions posted at the appropriate courthouse).

Amends GS 143B-135.108, establishing a general rule that, on segments of any State trail that cross property controlled by agencies or owners other than the Division, the laws, rules, and policies of those agencies or owner govern the use of the

property. Makes conforming changes.

Amends GS 143B-135.116 to provide that Part 34 does not preclude a component of the National Trails System from becoming a part of the State Trails System.

Section 4

Recodifies GS 143-323(a) and (d) as GS 143B-50.1(a) and (b), concerning duties of the Department of Environmental Quality (DEQ) regarding recreation. Transfers the existing duties of DEQ under the statute to DNCR. Additionally, designates the Director of the Division of Parks and Recreation as having the authority and responsibility to accept and administer funding through the federal Land and Water Conservation Fund or any successor fund established for similar purposes. Authorizes the DNCR Secretary to designate additional personnel to assist the Division Director in the responsibility.

Section 5

Amends GS 143B-135.16, which makes a violation of DNCR's rules governing public use of State parks and State lakes under its charge a Class 3 misdemeanor. Now specifies seven rules punishable as an infraction, punishable by a penalty not to exceed \$25; includes: (1) parking a motor vehicle outside of a designated area; (2) using skateboards and similar devices in prohibited areas; (3) bathing animals or washing clothes or motor vehicles; (4) bathing, surfing, diving, swimming, and the like in undesignated areas; (5) carrying or depositing glass, crockery, or any metallic substance on a swimming area or beach; (6) using boats, rafts, canoes, and other vessels in designated swimming areas; and (7) fishing in nondesignated areas. Adds a prohibition that a person found responsible for a violation carrying a penalty of an infraction of the statute cannot also be assessed court costs for the infraction.

Intro. by Blackwell, Setzer, McGrady, Dobson.

[GS 143B](#)

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Environment, Environment/Natural Resources, Government, State Agencies, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources)

PUBLIC/SENATE BILLS

S 162 (2019-2020) [LOAN ORIGATION/LATE PAYMENT CHARGE CHANGES](#). Filed Feb 27 2019, *AN ACT TO MODERNIZE THE LOAN ORIGATION FEE FOR NORTH CAROLINA BANKS AND TO ADJUST THE LATE PAYMENT CHARGE FOR CERTAIN LOANS*.

AN ACT TO MODERNIZE THE LOAN ORIGATION FEE FOR NORTH CAROLINA BANKS AND TO ADJUST THE LATE PAYMENT CHARGE FOR CERTAIN LOANS. Enacted April 1, 2019. Effective April 1, 2019.

Intro. by Krawiec, Rabon, Lowe.

[GS 24](#)

[View summary](#)

Banking and Finance

S 422 (2019-2020) [PLANNING/DEVELOPMENT CHANGES](#). Filed Mar 28 2019, *AN ACT TO REORGANIZE, CONSOLIDATE, MODERNIZE, AND CLARIFY STATUTES REGARDING LOCAL PLANNING AND DEVELOPMENT REGULATION*.

Identical to [H 448](#), filed 3/25/19.

Includes whereas clauses.

Enacts new GS Chapter 160D, Local Planning and Development Regulation, which consolidates, reorganizes, and clarifies local planning and development regulations previously found in GS Chapter 153A, Article 18 (Planning and Regulation of

Development for counties), and GS Chapter 160A, Article 19 (Planning and Regulation of Development for cities and towns), and recodifies and updates those statutes to by including changes made in 2015-2018 session laws. Consolidates city and county planning and development statutes, making the provisions applicable to local governments, while retaining necessary differences, and makes conforming changes. Additionally, makes the following changes.

Article 1, General Provisions

Establishes the scope of Article 1 as follows. Sets forth that the provisions of Article 1 apply to all development regulations and programs adopted pursuant to new GS Chapter 160D or applicable or related to local acts. Establishes that GS 160D-1-11 is applicable to the extent there are contrary provisions in local charters or acts, unless GS Chapter 160D expressly provides otherwise. Further establishes that Article 1 applies to any other local ordinance that substantially affects land use and development. Provides that Article 1 is supplemental to specific provisions included in other Articles in GS Chapter 160D, and establishes that the more specific provisions control if the two are in conflict. Permits local governments to apply any definitions and procedures authorized by GS Chapter 160D to any ordinance that does not substantially affect land use and development adopted under the general police power of cities and counties, Article 8 of GS Chapter 160A and Article 6 of GS Chapter 153A respectively, and permits local ordinances to employ any organizational structure, board, commission, or staffing arrangement authorized by GS Chapter 160D to any or all aspects of those ordinances. Clarifies that new GS Chapter 160D does not expand, diminish, or alter the scope of authority for planning and development regulation authorized by other GS Chapters.

Adds the defined terms administrative decision, administrative hearing, bona fide farm purposes, charter, conditional zoning, decision-making board, determination, development approval, development regulation, evidentiary hearing, governing board, legislative hearing, legislative decision, local government, planning and development regulation jurisdiction, site plan, special use permit, subdivision, subdivision regulation, zoning map amendment, and zoning regulation. Amends the definitions to comprehensive plan, developer, landowner, planning board, quasi-judicial decision, and vested right.

Adds to the authorization permitting a local government to combine any regulations authorized by GS Chapter 160D into a unified development ordinance, establishing that the inclusion of a regulation authorized by GS Chapter 160D or local act in a unified development ordinance does not expand, diminish, or alter the scope of authority set by those regulations.

Adds new GS 160D-1-4 establishing that all rights, privileges, benefits, burdens, and obligations created by development approvals pursuant to GS Chapter 160D are property rights that attach and run with the land unless otherwise provided by law. Defines development approval to mean an administrative or quasi-judicial approval made pursuant to GS Chapter 160D that is written and required prior to commencing development or undertaking a specific activity, project, or development proposal. Establishes that the term includes but is not limited to zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. It also includes all other regulatory approvals required by regulations adopted pursuant to the Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Requires in GS 160D-1-5 that zoning district boundaries be drawn on a map adopted or incorporated within a duly adopted development regulation. Directs that adopted zoning district maps are to be maintained for public inspection in the office of the local government clerk or another office specified in the development regulation. Permits the zoning maps to be in paper or digital format. Authorizes development regulations to reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by state and federal agencies. Allows the regulation text or zoning map to reference a specifically adopted map or incorporate by reference the most recent officially adopted version of the agency map. Further permits the development regulation to provide that the zoning district boundaries are automatically amended to remain consistent with the changes in the officially promulgated state and federal maps so long as a copy of the currently effective version is maintained for public inspection in the office of the local government clerk or other specified office. Authorizes copies of the zoning district map reproduced by any method of reproduction that provides legible and permanent copies to be admissible as evidence and carry the same force and effect as the original map if the copies are certified by the local government clerk in accordance with GS 160A-79 or GS 153A-50 (concerning maps as evidence in actions and proceedings before courts or administrative bodies).

Amends the provisions requiring the refund of illegal fees in GS 160D-1-6 to clarify that the local government is to refund the tax, fee, or monetary contributions plus 6% interest per annum to the person who made the payment or as directed by a court if the person making the payment is no longer in existence. Clarifies that a moratorium does not override the permit choice rule of GS 160D-1-8(b) when permit processing resumes.

Makes organizational, clarifying and technical changes to the provisions in GS 160D-1-7 pertaining to the adoption of temporary moratoria on development approvals, including adding subsection descriptors. Additionally, clarifies that the governing board must hold a legislative hearing (was, a public hearing) before adopting a development regulation that imposes a development moratorium with a duration of 60 days or less, except in cases of imminent and substantial threat to public health and safety. Defines legislative hearing to mean a hearing to solicit public comment on a proposed legislative decision. Amends the exceptions set forth to clarify that a development moratorium adopted pursuant to GS 160D-1-7 does not apply to any project for which a special use permit application has been accepted as complete (previously, for which a conditional use permit application or special use permit application has been accepted).

Amends the provisions pertaining to vested rights and permit choice in GS 160D-1-8. Deletes portions of the previously stated findings of the General Assembly. Consistent with prior rules, permits an applicant to choose which version of a development regulation applies to the applicant's application when the application is made in accordance with local regulation and submitted for development approval required pursuant to GS Chapter 160D, and a development regulation changes between the time the permit application was submitted and a permit decision is made. Specifies that when a development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the applicant is not required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. Adds new provision allowing a person claiming a statutory or common law vested right to submit information to substantiate the claim to the zoning administrator or other officer designated by a development regulation who is to make the initial determination as to the existence of the claimed vested rights. Defines vested right to mean the right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in GS 160D-1-8 or under common law. Sets out a right to appeal the zoning administrator or officer's determination pursuant to GS 160D-4-5, enacted below, to the board of adjustment and thereafter superior court. Requires the existence of a vested right to be reviewed de novo on appeal. Alternatively permits a person claiming a vested right to bring an original civil action as provided by GS 160D-4-5(c).

Establishes that amendments in local development regulations are not applicable or enforceable with regard to development that has been permitted or approved pursuant to the Chapter prior to the enactment of the regulation making the change(s) so long as one of the specified approvals remains valid and unexpired, subject to permit choice. Clarifies that the establishment of a vested right pursuant to the statute does not preclude the establishment of one or more other vested rights or vesting by common law principles. Details the types of vested rights and specifies their respective limitations, including (1) building permits, expiring six months after issuance unless otherwise provided; (2) all other local development approvals, expiring one year after issuance unless otherwise provided; (3) site specific vesting plans, expiring two to five years as specified; (4) multiphase developments, remaining vested for a period of seven years as provided; and (5) development agreements approved under Article 10 of GS Chapter 160D, remaining vested indefinitely. Deletes the provisions concerning phased development plans. Details the relation to building permits, specific requirements, and the process of approval and amendments of site-specific vesting plans. Clarifies that what constitutes a site-specific vesting plan is defined by the relevant development regulation, and the development approval that triggers vesting must be identified at the time of its approval. Provides that if a site specific vesting plan is based on approval required by a local development regulation, the local government must provide whatever notice and hearing is required for that underlying approval; and if the site vesting plan is not based on approval required by a local government regulation, a legislative hearing with notice as required by GS 160D-6-2 must be held. Establishes that if the duration of the underlying approval is less than two years, there is no effect on the duration of the site-specific vesting plan established pursuant to this provision. Explicitly allows for an approved site-specific vesting plan and its conditions to be amended with the approval of the owner and the local government if (1) any substantial modification is reviewed and approved in the same manner as the original approval and (2) minor modifications are approved by staff, if defined and authorized by local regulation. Establishes that following approval or conditional approval of a statutory vested right (previously, of a site-specific development plan or a phased development plan), a local government can make subsequent reviews and require approval by the local government to ensure compliance with the terms and conditions of the original approval, so long as the reviews and approvals are not inconsistent with the original approval. Makes conforming changes to the subsection pertaining to exceptions, to clarify that the specified exceptions to vested rights applies to all statutory vested rights created by the statute, meaning site-specific vesting plans and multiphase development. Amends the first exception to clarify that zoning action can be taken that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, if after notice and an evidentiary hearing (was, public hearing), it was found that (1) natural or man-made hazards on or in the immediate vicinity of the property would pose a serious threat to the public health, safety and welfare or (2) that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right. Further allows the local government to modify the affected provisions of a vested right upon finding that a

change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing (previously did not specify evidentiary hearing). Defines evidentiary hearing to mean a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter. Eliminates a miscellaneous provision that is now substantively included in the new term site-specific vesting plan in GS 160D-1-2.

Amends the provisions pertaining to conflicts of interest in GS 160D-1-9. Provides that members of appointed boards cannot vote on any advisory or legislative decision regarding a development regulation adopted pursuant to GS Chapter 160D (previously, on any zoning map or text amendment) where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member. Adds that a governing board member cannot vote on any zoning amendment if the landowner of the property subject to a rezoning petition or applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. Makes substantively identical changes to the conflict-of-interest provisions pertaining to members of appointing boards providing advice to the governing board. Similarly, prohibits any administrative staff member from making a final decision on an administrative decision required by GS Chapter 160D that would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. Further provides that if a staff member has a conflict of interest as described, the decision must be assigned to the supervisor of the staff person or other staff person as designated by the development regulation or ordinance. Defines close familial relationship as a spouse, parent, child, brother, sister, grandparent, or grandchild, and includes step, half, and in-law relationships.

Sets out provisions pertaining to statutory construction.

Expressly states that the enactment of GS Chapter 160D does not require the readoption of any local government ordinance enacted pursuant to laws that were in effect before the effective date of GS Chapter 160D, and are restated or revised herein. Nor does the new Chapter affect any act heretofore done, any liability incurred, any right accrued or vested, or any suit in prosecution begun or cause of action accrued as of the effective date of GS Chapter 160D. Provides that the enactment of GS Chapter 160D does not amend the geographic area within which local government development regulations adopted prior to January 1, 2019, are effective. Further provides that the savings provisions of GS 153A-3 and 160A-3 are applicable to this Chapter, and the Chapter does not repeal or amend a charter or local act in effect as of the effective date of the Chapter unless the Chapter or a subsequent enactment of the General Assembly clearly shows a legislative intent to repeal or supersede that charter or local act. Adds language to modify provisions in local ordinances referencing repealed or superseded provisions that are inconsistent with this act to be consistent with this act.

Article 2, Planning and Development Regulation Jurisdiction

Amends provisions pertaining to municipal extraterritorial jurisdiction in GS 160D-2-2. Provides that municipal extraterritorial areas cannot be extended from a city's primary, contiguous boundaries and cannot be applied to satellite areas. Permits a city to exercise in its extraterritorial area all power conferred by GS Chapter 160D that it is exercising within its corporate limits. Adds new provision permitting a county to elect to exercise the particular type of regulation in the extraterritorial area if a city fails to extend that particular type of development regulation to the extraterritorial area. Clarifies that the hearing to be held prior to the adoption of an ordinance extending the area of extraterritorial jurisdiction is legislative (previously, only specified public) and that the required notice of the hearing is to be mailed at least 30 days prior to the date of the hearing (previously, four weeks prior to the hearing). Adds to the provisions concerning boundaries that boundaries can follow parcel ownership boundaries. Provides that prior to the transfer of jurisdiction authorized in previous provisions, the city or county receiving jurisdiction can adopt and effect regulations concurrently upon assumption of jurisdiction. Makes organizational and technical changes.

Adds new GS 160D-2-3 to authorize multiple local governments sharing jurisdiction on a single parcel of land to agree to assign exclusive jurisdiction for the entire parcel to one unit of local government. Requires the mutual agreement to be formally adopted by resolutions by each governing board and recorded with the register of deeds in the county where the property is located within 14 days of the adoption of the last required resolution.

Adds new GS 160D-2-4 to authorize a potential receiving jurisdiction to process applications and conduct hearings for proposed development where there is a pending shift in jurisdiction, so long as no final action can be taken prior to the actual transfer of jurisdiction.

Article 3, Boards and Organizational Arrangements

Consolidates existing provisions and updates references in the regulations concerning planning boards established or designated by local governments in GS 160D-3-1. Adds the express duty of a planning board to facilitate and coordinate citizen engagement and participation in the planning process, as well as the duty to provide a preliminary forum for review of quasi-judicial decisions provided that no part of the forum or recommendation can be used as a basis for the deciding board.

Adds to the provisions pertaining to boards of adjustment in GS 160D-3-2 to establish that if any board of adjustment is assigned decision-making authority for any quasi-judicial matter, that board must comply with all of the procedures and processes applicable to a board of adjustment in making quasi-judicial decisions.

Concerning historic preservation in GS 160D-3-3, recognizes that both counties and municipalities can establish historic preservation commissions. Makes conforming changes through GS 160D-3-3. Establishes that historic preservation commissions have the same duties specified in GS 160D-9-42.

Concerning appearance commissions, establishes in GS 160D-3-4 that appearance commissions have the duties specified in GS 160D-9-60. Makes technical changes.

Clarifies in GS 160D-3-5 that a local government can designate the board of adjustment as its housing appeals board instead of establishing a housing appeals board. Establishes that the housing appeals board has the duties specified in GS 160D-12-8.

Consistent with previous language, authorizes a local government in GS 160D-3-6 to establish additional advisory boards as deemed appropriate by ordinance. Requires the ordinance to specify the compositions and duties of an additional advisory board.

Clarifies in GS 160D-3-7 that the population estimates for the required proportional representation a city must satisfy in exercising extraterritorial powers must be updated no less frequently than after each decennial census. Adds the historic preservation commission to the boards and appearance commission that are required to have at least one resident of the entire extraterritorial planning and development regulation area if there are historic districts or designated landmarks in the extraterritorial area. Requires appointment of members of joint municipal-county planning agencies or boards of adjustment to be made by the county within 90 days (previously, 45 days) following the required hearing. Makes organizational and technical changes.

Establishes in GS 160D-3-8 that rules of procedure for any or all boards created by a governing board are binding, but in the absence of action by the governing board, each board created under Article 3 is expressly authorized to adopt its own rules of procedure consistent with GS Chapter 160D. Requires a copy of any adopted rules to be maintained by the local government clerk or other official designated by ordinance, and posted on the local government website if one exists. Directs each board to keep minutes of its proceedings.

Adds new GS 160D-3-9 to require all members appointed to boards under Article 3 to qualify by taking an oath of office as required by GS 153A-26 and GS 160A-61 before entering their duties.

Adds new GS 160-3-10 to clarify that unless otherwise specified by statute or local ordinance, all appointments to boards authorized by GS Chapter 160D must be made by the governing board of the local government. Permits the governing board to establish reasonable procedures to solicit, review, and make appointments.

Article 4, Administration, Enforcement, and Appeals

Establishes the scope of Article 4, consisting of the administration, enforcements, and appeals provisions, providing that Article 4 applies to all development regulations adopted pursuant to GS Chapter 160D. Permits local governments to apply any definitions and procedures authorized by Article 4 to any ordinance adopted under the general police power of cities and counties, Article 8 of GS Chapter 160A and Article 6 of GS Chapter 153A respectively, and employ any organizational structure, board, commission, or staffing arrangement authorized by Article 4 to any or all respects of those ordinances. Specifies that the provisions of Article 4 also apply to any other local ordinance that substantially affects land use and development. Adds that the provisions of Article 4 are supplemental to specific provisions included in other Articles of GS Chapter 160D, and that the more specific provisions control if there is a conflict. Provides that Article 4 does not expand, diminish, or alter the scope of authority for development regulations authorized by GS Chapter 160D.

Expressly authorizes in GS 160D-4-2 local governments to appoint administrators, inspectors, enforcement officers, planners, technicians, and other staff to develop, administer and enforce development regulations authorized by GS Chapter 160D. Delineates the duties that local governments may include in the duties assigned to administrative staff, but does not limit local governments to those specified duties. Makes conforming change to permit a development regulation to require that designated staff members take an oath of office. Establishes that the administrative and enforcement provisions related to building permits set forth in Article 11, below, must be followed for those building permits. Concerning alternative staff arrangements, clarifies that a staff member that is designated from another city or county pursuant to GS 160D-4-2(c) must be considered an agent of the local government while exercising the duties of the position (previously, must be considered a municipal employee). Expressly authorizes local governments to fix reasonable fees for support, administration, and implementation of programs authorized by GS Chapter 160D, but limits the use of the fees to these purposes. Makes technical and clarifying changes.

Clarifies that persons are prohibited from commencing or proceeding with development without first securing any required development approval from the local government with jurisdiction over the site of the development, to the extent consistent with the scope of regulatory authority granted by GS Chapter 160D. Permits a local government to issue development approvals under GS 160D-4-3 in print or electronic form, requiring any development approval issued exclusively in electronic form to be protected from further editing once issued. Clarifies that applications for development approvals may be made by the landowner, a lessee, or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. Permits an easement holder to apply for development approval for development as authorized by the easement. Provides that a development regulation enacted under the authority of GS Chapter 160D can designate the staff member(s) charged with making determinations under the development regulation. Clarifies the requirements for notice of a determination, to specifically require the written notice be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner. Establishes that absent a different period specified by GS Chapter 160D, other applicable law, quasi-judicial development approval, a development agreement, or local ordinance, a development approval issued pursuant to Article 4 expires one year (previously, six months) after the date of issuance if the work authorized by the development approval has not been substantially commenced. Makes conforming changes. Clarifies that the provisions regarding the duration of development approval do not limit any vested rights secured under GS 160D-1-8. Adds that local development regulations can provide for development approvals of shorter duration for temporary land uses, special events, temporary signs, and similar development. Establishes that the time periods set out in GS 160D-4-3(c) are tolled during the tendency of any appeal. Clarifies that the local government must follow the same development review and approval process required for issuance of the development approval in the review and approval of any major modification of that approval. Concerning inspections, requires the appropriate consent to have been obtained for inspection of areas not open to the public or that an appropriate inspection warrant secured. Concerning the revocation of development approvals, requires the local government to follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Clarifies that development approvals can be revoked for failure to comply with any State law delegated to local government for enforcement purposes in lieu of the State; makes conforming changes to enforcement provisions set forth in GS 160D-4-4. Sets out that if an appeal is filed regarding a development regulation adopted by a local government pursuant to GS Chapter 160D, the provisions of GS 160D-4-5(e) regarding stays is applicable. Expressly authorizes a regulation adopted pursuant to GS Chapter 160D to require notice and/or informational meetings as part of the administrative decision-making process. Makes technical changes.

Sets forth notice requirements for violations of the terms of a development approval in GS 160D-4-4. Requires the person providing the notice of violation to certify to the local government that the notice was provided, and establishes this certificate conclusive in the absence of fraud. Permits a notice of violations to be appealed to the board of adjustment pursuant to GS 160D-4-5 except as provided in GS 160D-11-23, GS 160D-12-6 (concerning building permits), or otherwise provided by law. Makes organizational, technical and clarifying changes to the provisions pertaining to stop work orders and remedies.

Concerning appeals of administrative decisions in GS 160D-4-5, makes generalized changes to establish uniform times and procedures for all administrative appeals, with necessary variations provided in more specific provisions in other Articles. Provides that any board making quasi-judicial decisions is subject to the same procedures and limitations applicable to boards of adjustment making similar changes. Makes conforming changes throughout GS 160D-4-5 to refer to the "board" instead of "board of adjustment." Adds new provision to provide that a person with standing can bring a separate and original action to challenge the constitutionality of an ordinance or development regulation, or whether the ordinance or development regulation is ultra vires, preempted, or otherwise in excess of statutory authority, without filing an appeal as specified. Establishes that in

the absence of evidence to the contrary, notice of determination made pursuant to GS 160D-4-3(b) given by first class mail is deemed to have been received on the third business day following deposit of the notice for mailing with the US Postal Service. Makes technical and clarifying changes.

Concerning quasi-judicial procedure, GS 160D-4-6 requires boards to follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision. Clarifies that the required hearing under GS 160D-4-6 is evidentiary. Authorizes a board to continue an evidentiary hearing that has been convened without further advertisement. Establishes that if an evidentiary hearing is set for a given date and a quorum of the board is not present then, the hearing must be continued until the next regular board meeting without further advertisement. Explicitly provides that the application, staff, report, and other relevant administrative materials must be provided to the board for appeals. Allows, but does not require, materials to be submitted to the board prior to the hearing, but requires copies be provided to all parties at the same time the material is distributed to the board. Establishes that the applicant, the local government, and any person who would have standing to appeal the decision under GS 160D-14-2(d) has the right to participate as a party at the evidentiary hearing. Permits other witnesses to present competent, material, and substantial evidence that is not repetitive as allowed by the board. Provides that objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. Requires the board chair to rule on any objections and allows the chair's rulings to be appealed to the full board. Establishes that these rulings are also subject to judicial review pursuant to GS 160D-14-2. Further provides that objections based on jurisdictional issues may be raised for the first time on judicial review. Clarifies that not all staff members involved in staff review are required to attend the hearing, but instead only the official responsible for the decision is required to attend the hearing. Makes conforming, clarifying and technical changes.

Article 5, Planning

Enacts new GS 160D-5-1, requiring a local government to adopt and reasonably maintain a comprehensive plan as a condition of adopting and applying zoning regulations under GS Chapter 160D, to set forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. Sets forth specifics that can be addressed in a comprehensive plan, as determined by the local government. Additionally, sets forth procedures and requirements for the adoption of a comprehensive plan, including a public hearing with published notice and planning board referral prior to the governing board's adoption of the plan. Additionally authorizes local governments to adopt other plans deemed appropriate, including land-use plans, small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans and recreation and open space plans. Requires such additional plans to be considered for review of proposed zoning amendments if adopted pursuant to the process set forth in GS 160D-5-1. Establishes that the plans adopted under the Chapter do not alter the scope of authority for development regulations adopted under the Chapter. Provides that plans adopted prior to the effective date of this act are not affected. Requires that if a plan is deemed amended under GS 160D-6-5 by virtue of adoption of a zoning amendment that is inconsistent with the comprehensive plan, that amendment must be noted in the plan. Establishes that if the plan is one that requires review and approval subject to GS 113A-110, the plan amendment is not effective until the review and approval is completed.

Explicitly authorizes in GS 160D-5-3 a local government to undertake any of the planning activities authorized by Article 5 in coordination with other local governments, state agencies, or regional agencies created under Article 19 of GS 153A or Article 20 of GS Chapter 160A. Clarifies in GS 160D-5-2 that the authority to make appropriations for compensation applies to planning board members (was, board members).

Article 6, Development Regulation

Establishes that a development regulation adopted under the Chapter must be adopted by ordinance. Clarifies the process for adoption of development regulations in GS 160D-6-1, providing that the required hearing is evidentiary in nature. Clarifies abutting for purposes of the notice requirement includes notice to properties immediately across a right-of-way even if properties do not touch because they are separated by a transportation right-of-way that is owned in fee rather than as an easement. Clarifies that the optional notice applies for large-scale zoning map amendments, as specified, which propose to change zoning designation. Provides that if the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under GS 160D-2-2, a single hearing on the zoning map amendment and the boundary amendment may be held, and the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing. Clarifies that the notice of a hearing for a zoning map amendment must be posted on the site proposed for the amendment or

on an adjacent street or highway right-of-way within the same time period specified for mailed notices of the hearing. Adds that when a zoning amendment is proposed, a zoning regulation may require communication by the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents. Makes organizational and technical changes.

Concerning citizen comments addressed in GS 160D-6-3, clarifies that the scope of the provisions include citizen comments on proposed text or map amendments. Provides further guidance for proposed changes which are the subject of a quasi-judicial proceeding under any statute.

Concerning the planning board's review and comment of a proposed zoning regulation, specifies in GS 160D-6-4 that public meetings as well as legislative hearings can be held by the planning board in the course of preparing the development regulation. Adds clarification that the review and comment required cannot be assigned to the governing board and must be performed by a separate board.

Concerning the required governing board statement in GS 160D-6-5, lists what can be included in the statement analyzing the reasonableness of the proposed rezoning, which must be approved by the governing board when adopting or rejecting any petition for a zoning map amendment. Clarifies that the statement of reasonableness and the plan consistency statement required by GS 160D-6-4 may be approved as a single statement.

Article 7, Zoning Regulation

Makes conforming changes to the Article's language concerning zoning regulation.

Clarifies in GS 160D-7-2 that the authorization for a local government to regulate development over estuarine waters and over lands covered by navigable waters owned by the State includes floating homes. Expressly authorizes a zoning regulation, where appropriate, to include requirements that performance guarantees be provided to the same extent and with the same limitations as provided in GS 160D-8-4. Makes organizational and technical changes.

Concerning the provisions pertaining to zoning districts, makes organizational, technical and clarifying changes to the types of zoning districts in GS 160D-7-3. Now provides that zoning districts can include but are not limited to: (1) conventional districts, in which a variety of uses are allowed as permitted uses or uses by right and that may also include uses permitted only with a special use permit; (2) conditional districts, in which site plans or individualized development conditions are imposed; (3) form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces, and streetscapes; (4) overlay districts, in which different requirements are imposed on certain properties within one or more underlying conventional, conditional, or form-based districts; and (5) districts allowed by charter.

Concerning conditional districts, allows the zoning regulation to provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted to be reviewed and approved administratively, while any other modifications of the conditions and standards in a conditional district are required to follow the same process for approval as are applicable to zoning map amendments. Establishes that if multiple parcels of land are subject to a conditional zoning, the owners of individual parcels can apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Further provides that any modifications approved are only applicable to those properties whose owners petition for the modification.

Clarifies that a zoning regulation or unified development ordinance can also include development standards that apply uniformly jurisdiction-wide rather than being applicable only in particular zoning districts. Makes other organizational and technical changes.

Makes technical and clarifying changes to the incentives provisions in GS 160D-7-4.

Makes organizational and technical changes to the provisions concerning quasi-judicial zoning decisions in GS 160D-7-5. Establishes that the procedures of GS 160D-4-5 and 4-6 are applicable to appeals from administrative decisions regarding administration and enforcement of the zoning regulation or unified development ordinance, and appeals arising out of any ordinance that regulates land use or development, to be heard by the board of adjustment. Makes conforming changes.

Concerning special use permits, allows a regulation to provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development can be reviewed and approved administratively, but any other modification or revocation of a special use permit must follow the same process for approval as is applicable to the approval of a special use permit. Establishes that if multiple parcels of land are subject to a special use permit, the owners

of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Provides that any modifications approved are only applicable to those properties whose owners apply for the modification. Allows the regulation to require that special use permits be recorded with the Register of Deeds.

Concerning authorized variances by the board of adjustment, permits a variance to be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

Makes conforming changes to GS 160D-7-6 concerning zoning conflicts with other development standards to refer to regulations adopted under Article 7 (rather than Part, transferred from existing law).

Makes organizational changes.

Article 8, Subdivision Regulation

The statutes currently define the term subdivision with regard to division of tracts or parcels of land. Amends GS 160D-8-2 to clarify that subdivision regulations, as authorized in GS 160D-8-1, apply to all such divisions. Makes conforming changes.

Further requires in GS 160D-8-3 that subdivision regulations must contain standards to be followed in granting or denying subdivision plats prior to registration. Requires a subdivision regulation to allow listed agencies to make recommendations concerning an individual plat before it is approved (currently required of cities in GS 153A-332, but not of counties in GS 160A-373). Provides for the assignment of the final decision on a subdivision plat, depending on whether the decision is administrative or quasi-judicial. Makes changes to simplify language.

Consolidates existing provisions regarding transportation and utilities in GS 160D-8-4. Clarifies that subdivision regulations are not required to provide for fees in lieu of dedication of land or construction of facilities, but that if such provisions are allowed by the ordinance and are elected for use in a particular plat review, they are binding on the local government and the owner. Provides that the funds are for the city, and not the county, as counties have no authority for a county streets or roads. Concerning the payment of funds to acquire or develop recreation areas serving residents of a development or subdivision, specifies that the funds received by municipalities must be used only for the acquisition or development of recreation, park, or open space sites; and restricts counties further, limiting their use of such funds to the acquisition of such sites. Deletes the provision requiring a local government to provide a range of options for performance guarantees, and provides that the type of performance guarantee is at the election of the person required to give the performance guarantee, rather than the developer, to reflect amendments made by SL 2015-187. Deletes redundant language. Makes technical and conforming changes.

GS 160D-8-5 further authorizes local governments to give notice to interested parties by other reasonable means, in addition to email, as currently authorized. Deletes the provision authorizing notice by facsimile. Makes technical and conforming changes.

Provides in GS 160D-8-8 for appeals of subdivision decisions in accordance with GS 160D-14-3.

Article 9, Regulation of Particular Uses and Areas

Part 1, Particular Land Uses

Consolidates provisions regarding regulation of particular land uses into a single Part for ease of user access. Recognizes that regulation of some specific uses or areas can be accomplished as a general police power regulation as well as a development regulation, a unified development ordinance, or in separate development regulations adopted under this Article (which is commonly done in counties without zoning and in smaller cities). Allows use of either source of authority, but provides that the local regulation must be consistent with these provisions and limitations. Preserves the option of cities and counties to adopt regulations under either this Chapter (development regulations), Article 8 of Chapter 160A, or Article 6 of Chapter 153A (general police power), but specifies that the substantive limitations imposed by this Article apply regardless of the source of authority being used by the local government.

GS 160D-9-3 clarifies that county zoning exemptions for bona fide farming apply to city zoning within a city's extraterritorial jurisdiction, providing the same zoning and other development regulation treatment for farm land in a municipal extraterritorial jurisdiction as would be provided if the property were in county jurisdiction. Replaces a reference to compliance with a specific federal regulation on floodplain regulation with compliance with state or federal law generally. Amends a provision to authorize municipalities to exempt accessory buildings of "bona fide farms" from the building code as they would have been

exempted under county zoning (currently, only authorizes listed municipalities in Wake County). Simplifies language. Deletes redundant language. Makes technical and conforming changes.

Authorizes local governments to enact and enforce airport zoning regulations under this Chapter or under Chapter 63, Article 4, or GS 63A-18, as specified. Cross-references the 1941 Model Airport Zoning Act, and preserves the current jurisdictional relationship between local zoning and zoning by the Global Transpark Authority.

Provides for the zoning of family care homes as residential property. Provisions are identical to those in GS 168-20 through GS 168-22. Does not repeal identical statutes in GS Chapter 168.

Provides in GS 160D-9-9 that a local government cannot adopt or enforce zoning regulations or other provisions that exclude manufactured homes based on the age of the home.

Provides in GS 160D-9-10 that modular homes must comply with standards in GS 143-139.1. Defines modular homes to be as defines in GS 105-164.3(21b).

GS 160D-9-11 provides that local governments may require the removal of a nonconforming off-premises outdoor advertising sign (as currently provided in the police power Articles of GS Chapters 153A and 160A), cross-referencing the Outdoor Advertising Control Act. Establishes that the provisions regarding compensation for certain removal are to be construed subject to and without any reduction in the rights afforded to owners of outdoor advertising signs along interstate and federal-aid primary highways in the State under Article 13, GS Chapter 136. Provides that this statute does not apply to any ordinance in effect on July 1, 2004 (was, the effective date of the statute, which was July 17, 2004). Makes conforming changes.

Cross-references GS 160A-400.9(f) and new GS 160D-9-47, concerning public buildings in historic districts in GS 160D-9-12, to indicate exceptions in those statutes to the prohibition on including land owned by the State within overlay districts or conditional zoning districts without Council of State approval. Authorizes the Council of State to delegate its decision regarding overlay and conditional zoning districts. Makes conforming changes.

GS 160D-9-15 authorizes local governments to establish street setback and driveway connection regulations under GS 160A-306, GS 160A-307, or this Chapter. Provides that regulations under this chapter are also subject to GS 160A-306 and GS 160A-307.

Part 2, Environmental Regulation

Authorizes local governments to exercise powers under GS Chapter 160A, Article 8, and GS Chapter 153A, Article 6 to adopt and enforce regulations under this Part to comply with State and federal law, and consistent with the interpretations and directions of State and federal agencies. Provides that local environmental regulations under this Part are not subject to GS 160D-7-5's variance provisions unless specifically authorized by the local ordinance.

Amends GS 160D-9-22 to further provide that regulations on erosion and sedimentation control are subject to this Chapter, to the extent not inconsistent with GS Chapter 113A, Article 4. Makes conforming changes.

GS 160A-9-23 provides that floodplain regulations are subject to this Chapter, to the extent not inconsistent with GS 143, Article 21, Part 6. Makes conforming changes.

GS 160D-9-24 provides that mountain ridge protections are subject to this Chapter, to the extent not inconsistent with GS Chapter 113A, Article 14, unless the local government has removed itself from that Article's coverage.

GS 160D-9-26 authorizes local governments to enact and enforce water supply watershed management and protection regulation pursuant to GS 143-214.5, provided not inconsistent with the Chapter.

Part 3, Wireless Telecommunication Facilities

Makes clarifying and conforming changes.

Part 4, Historic Preservation

Deletes the provision currently at GS 160A-400.2, authorizing counties and cities to engage in historical preservation, which is unnecessary given the merger of city and county provisions.

Directs local governments in GS 160D-9-41 to establish or designate a historic preservation commission before designating landmarks or historic districts, in accordance with new GS 160D-3-3, where the requirements for such a commission, currently at GS 160A-400.7, are recodified.

Amends GS 160D-9-44 to provide that historic districts established pursuant to this Part shall consist of areas deemed to be of special significance in terms of their history, prehistory, architecture, or (was, and/or) culture, and to possess integrity of design, setting, materials, feeling, and association.

GS 160D-9-46 makes the notice requirements for a hearing on the proposed landmark consistent with GS 160D-6-1, concerning procedure for adopting other zoning regulations. Deletes the provision clarifying that hearings on the proposed landmark are subject to open meetings laws. Requires owners and occupants of designated landmarks to be given notice within a reasonable time of the adoption of the regulation (currently, required insofar as reasonable diligence permits). Makes conforming changes.

GS 160D-9-47 retains requirement that certificates of appropriateness be issued prior to building permits, but deletes the provision requiring issuance of certificates of appropriateness prior to other permits. Clarifies that required standards (was, guidelines) adopted by the commission for new construction and so forth at the landmark or historic district are binding and not advisory. Applies the standard quasi-judicial decision process for all quasi-judicial decisions under this article, replacing the similar-but-different procedure for the issuance of certificates of appropriateness. Deletes the provision requiring compliance with open meetings laws. Provides procedure for appeal of administrative decisions, including an option for local regulation to allow certiorari appeal to the board of adjustment, and an appeal to superior court. Provides that appeals to superior court must be taken within the times prescribed in GS 160D-14-4, and deletes the provision making appeal to superior court a certiorari appeal. Deletes redundant language, and makes technical and conforming changes.

GS 160D-9-50, concerning demolition by neglect to contributing structures outside local historic districts, deletes the provision applying this statute only to local governments with a population of more than 100,000. Makes conforming changes.

Part 5, Community Appearance Commissions

Makes clarifying and conforming changes.

GS 160D-10-1 authorizes local governments to enter into development agreements with developers. Amends legislative findings to remove size and duration limits regarding development projects. Provides that local governments, and not agencies, may enter into development agreements. Makes simplifying and clarifying changes. Incorporates provisions from GS 160A-400.32 and GS 153A-349.1 providing that development agreements do not exempt property owners or developers from the State building code or State or local housing codes. Incorporates definitions currently in GS 160A-400.21 and GS 153A-349.2.

GS 160D-10-3 concerns approval of the governing board for development agreements. Provides that decisions on proposed development agreements are legislative decisions, and requires adherence to the notice, hearing, and planning board referral provisions in Article 6. Authorizes the concurrent processing and considering of rezoning and development agreements, and the coordinated exercise of related development approvals for a project subject to a development agreement. Provides for treatment of a development agreement in the event of a developer's bankruptcy.

GS 160D-10-5 requires public hearings on development agreements. Specifies that the hearing is a legislative hearing, and applies the notice requirements of GS 160D-6-2. Relocates the provision on the delivery date for public facilities to GS 160D-10-6.

GS 160D-10-6 concerns the content of a development agreement. Requires the agreement to include any provisions to protect environmentally sensitive property that exceed existing laws. Deletes the provision requiring the agreement to list all required state and local permits. Deletes superfluous language. Provides for the requirement of a development schedule, if required by local ordinance or the agreement itself. Authorizes utility authorities to be made a party to the development agreement. Provides that the applicant and local government can through negotiation agree to the provision and cost-sharing for public facilities and other amenities related to the development, so long as impact mitigation measures beyond those required by the local government are expressly enumerated, and does not include a prohibited tax or impact fee. Makes conforming changes.

GS 160D-10-8 concerns breach of the development agreement. Makes periodic review by the zoning administrator optional, instead of mandatory. Authorizes ordinances or development agreements to specify additional penalties for breach, in lieu of termination. Authorizes enforcement by any party to the agreement.

GS 160D-10-9 concerns amendment or termination of development agreements. Provides that amendment or termination is subject to GS 160D-10.6(e), and makes technical changes.

Recodifies GS 160A-400.29 and GS 153A-349.10, requiring a developer to record a development agreement with the register of deeds, as GS 160D-10-11. Prohibits development approval issuance until the agreement is recorded. Simplifies language.

Article 11, Building Code Enforcement

Amends GS 160D-11-2, building code administration, by deleting the provision that allowed an inspection department to be headed by a superintendent or director of inspections and outdated language.

Amends GS 160D-11-3, qualifications of inspectors, by no longer referring to a probationary certificate as being valid for only one year. Deletes obsolete provisions concerning electrical inspector qualifications.

Amends GS 160D-11-8, conflicts of interest, to specify that staff members, agents, or contractors responsible for building inspections must comply with GS 160D-1-9(c) (concerning conflicts of interest for administrative staff).

Makes clarifying changes to GS 160D-11-10, building permits.

Amends GS 160D-1-16, certificates of compliance, by adding that local governments may require the applicant for a temporary certificate of occupancy to post suitable security to ensure code compliance.

Amends GS 160D-11-17, periodic inspections, to require that dwelling inspections follow the provisions of GS 160D-12-7.

Amends GS 160D-11-19 to expand the scope of specified provisions which were previously applicable only to cities. Now allows an inspector to declare a nonresidential building or structure within a community development target area to be unsafe if: (1) it appears to the inspector to be vacant or abandoned and (2) it appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, or a fire or safety hazard; to be a danger to children; or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance. Requires an inspection, upon declaring a nonresidential building or structure to be unsafe, to affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the building. Defines the term community development target area for the purposes of the statute to mean an area that has characteristics of an urban progress zone under GS 143B-437.09, a nonresidential redevelopment area under GS 160A-503(10), or an area with similar characteristics designated by the governing board as being in special need of revitalization for the benefit and welfare of its citizens. Allows a local government to expand these provisions so that they apply to residential buildings by adopting an ordinance. Requires the local government to hold a legislative hearing, with published notice, before adopting such an ordinance.

Amends GS 160D-11-25, Enforcement, by expanding the scope of the following provisions so that they are now applicable to both counties and cities (was, cities only). Allows a local government, in the case of a building or structure declared unsafe to, in lieu of taking action under subsection (a) of the statute, cause the building or structure to be removed or demolished. Specifies that the amounts incurred by the local government in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. Requires the local government to sell the usable building material and any personal property, fixtures, or appurtenances found in or attached to the building if the building is demolished; proceeds are to be credited against the cost of the removal or demolition, with any remaining balance deposited with the clerk of superior court of the county where the property is located to be disbursed to the person found to be entitled thereto by final order or decree of the court. Specifies that nothing in the statute impairs or limits the power of a local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Amends GS 160D-11-29, regulation authorized as to repair, closing, and demolition of nonresidential buildings or structures; order of public officer, to require that a regulation relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the governing board must be applicable within the local government's entire planning and development regulation jurisdiction or limited to one or more designated zoning districts or municipal service districts.

Requires complaints or orders issued by a public officer pursuant to an ordinance adopted under this statute to be served upon persons either personally or by certified mail (was, registered or certified mail) so long as the means used are reasonably designed to achieve actual notice.

Article 12, Minimum Housing Codes

Amends GS 160D-12-3, which, upon adoption of an ordinance finding that dwelling conditions of the character described in GS 160D-12-1 exist, allows a governing board to adopt and enforce ordinances relating to dwellings within the planning and development regulation jurisdiction that are unfit for human habitation. The statute requires that the ordinances, among other provisions, include that if the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted under the statute or after a public officer issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, then the governing board may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government. Allows the governing board to, after the one-year period, enact an ordinance and serve such ordinance on the owner providing that: (1) if it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance must require that the owner either repair or demolish and remove the dwelling within 90 days or (2) if it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance must require the owner to demolish and remove the dwelling within 90 days. These provisions replace previous provisions that varied depending on size or location of the local government. Makes additional clarifying changes throughout the statute.

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Amends GS 160D-12-8 (Remedies) by specifying that an ordinance adopted pursuant to Article 12 (Minimum Housing Codes) may provide for a housing appeals board as provided by GS 160D-3-6. Makes additional clarifying and conforming changes.

Article 13, Additional Authority

Makes clarifying and conforming changes throughout the Article.

Article 14, Judicial Review

Enacts new GS 160D-14-1, allowing challenges of legislative decisions of governing boards, including the validity or constitutionality of development regulations adopted pursuant to this Chapter, and actions authorized by GS 160D-1-8(c) or (g) and GS 160D-4-5(c) to be brought pursuant to Article 26 of Chapter 1 of the General Statutes. Requires the governmental unit making the challenged decision to be named a party to the action.

Also allows upon the filing of a petition for writ of certiorari a party to request a stay of the execution or enforcement of the decision of the quasi-judicial board pending superior court review. Allows the court to grant a stay in its discretion, and on such conditions which properly provide for the security of the adverse party. A stay granted in favor of a city or county does not require a bond or other security.

Provides that if a development approval is appealed, the applicant has the right to commence work while the appeal is pending. However, if the development approval is reversed by a final decision of any court of competent jurisdiction, the applicant must not be deemed to have gained any vested rights on the basis of actions taken prior to or during the pendency of the appeal and must proceed as if no development approval had been granted. If work is commenced prior to or during the

pendency of an appeal, the time periods for the duration of the development approval are not tolled during the pendency of the appeal.

Allows a declaratory judgment brought under GS 160D-14-1 or other civil action relating to the decision at issue to be joined with the petition for writ of certiorari and decided in the same proceeding.

Specifies in GS 160D-14-4 that except as expressly stated, this Article does not limit the availability of civil actions otherwise authorized by law or alter the times in which they may be brought.

Amends GS 160D-14-5 to specify that a cause of action as to the validity of any regulation adopting or amending a zoning map adopted under this Chapter or other applicable law or a development agreement adopted under Article 10 of this Chapter accrues upon adoption of such ordinance and must be brought within sixty days (was, two months) as provided in GS 1-54.1. Clarifies that except as provided by the statute, the statutes of limitations are as provided in Subchapter II of GS Chapter 1.

Makes additional clarifying changes.

Additional changes

Amends GS 1-54 to make conforming changes and to delete surplus language.

Amends GS 1-54.1 by deleting surplus language, making conforming changes, and clarifying that, as used in the statute, two months is calculated as sixty days.

Amends GS 63-31(a), GS 63-32, and GS 62-33 to make conforming and clarifying changes.

Amends GS 63-34 by deleting the content of the statute and providing instead that GS 160D-14-1 is applicable to judicial review of administrative and quasi-judicial decisions made under the Article.

Deletes the provisions of GS 63-35 and instead provides that GS 160D-4-4 is applicable to ordinances adopted under the Article.

Amends GS 143-215.57(b) to require that the jurisdiction for those ordinances be as specified in Article 2 of GS Chapter 160D and makes Article 4 of the Chapter applicable to the administration, enforcement, and appeal of those ordinances. Deletes (c) concerning the adoption of rules on the form, time, and manner of submission of applications for permits under Part 6, Floodway Regulation, of Article 21, Water and Air Resources.

Amends GS 143-215.58, GS 130A-55, GS 143-214.5(d), GS 113A-208, GS 113A-211, and GS 160A-75 by making conforming changes.

Further amends GS 160A-75 by excepting an ordinance on which a public hearing must be held before the ordinance may be adopted from the prohibition on finally adopting an ordinance or an action that the effect of an ordinance on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council.

Makes conforming repeals of the following statutes, which have been incorporated into new GS Chapter 160D: GS 153A-102.1, GS 160A-4.1, GS 160A-181.1, GS 153A-143, GS 160A-199, GS 153A-144, GS 160A-201, GS 153A-452, GS 153A-455, and Article 3 of GS Chapter 168.

Relocates language from GS 153A-325 into new GS 153A-458, submission of statement concerning improvements. Relocates language from GS 153A-349.60 into new GS 153A-459, authorization to provide grants.

Includes a severability clause.

Provides that any otherwise valid permit or development approval made prior to January 1, 2021, shall not be invalid based on inconsistency with the provisions of this act. The validity of any plan adopted prior to January 1, 2021, is not affected by a failure to comply the procedural requirements of GS 160D-5-1(b).

Deems any special use district or conditional use district zoning district that is valid and in effect as of January 1, 2021, as a conditional zoning district consistent with the terms of this act, and the special or conditional use permits issued concurrently with establishment of those districts shall be valid as specified in Section 8.1 of this act. Any valid "conditional use permit" issued prior to January 1, 2021, is be deemed a "special use permit" consistent with the provisions of this act.

Requires any local government that has adopted zoning regulations but that has not adopted a comprehensive plan to adopt such a plan no later than July 1, 2022 in order to retain the authority to adopt and apply zoning regulations.

Provides that if this act becomes law in 2019, it is the NCGA's intent that legislation in other acts enacted in the 2019 Regular Session of the General Assembly that affects statutes repealed and replaced by similar provisions in GS Chapter 160D, as enacted by this act, also be incorporated into GS Chapter 160D. Requires the North Carolina General Statutes Commission to study the need for legislation to accomplish this intent and report its findings and recommendations, including any legislative proposals, to the 2020 Regular Session of the 2019 General Assembly upon its convening.

Makes Section 10 of this act (effective date provision) effective when it becomes law. The remainder of this act becomes effective January 1, 2021, and applies to local government development regulation decisions made on or after that date. This act clarifies and restates the intent of existing law and applies to ordinances adopted before, on, and after the effective date.

Intro. by McKissick, Newton.

[GS 1, GS 63, GS 113A, GS 130A, GS 143, GS 153A, GS 160A, GS 160D](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Development, Land Use and Housing, Land Use, Planning and Zoning](#)

S 434 (2019-2020) [MERGER OF CERTAIN SEWERAGE DISTRICTS](#). Filed Apr 1 2019, *AN ACT REQUIRING THE DISSOLUTION OF CERTAIN METROPOLITAN SEWERAGE DISTRICTS AND TRANSFERRING THE DISSOLVING DISTRICTS' ASSETS AND LIABILITIES TO AN ADJACENT DISTRICT IN THE SAME COUNTY.*

Enacts new GS 162A-82 requiring the Environmental Management Commission to adopt a resolution dissolving a district and transferring the district's assets, liabilities, and other obligations to another district located in the same county when all of the following describe the two districts: (1) the districts are located in a county with a population of less than 15,000, according to the latest federal decennial census, and with nine or more incorporated municipalities within its jurisdiction; (2) the districts collectively provide services to no less than six of the municipalities; (3) the areas served by each district are contiguous; (4) the district to be dissolved does not directly provide sewerage services to any customers and leases its assets to the district to which its assets and liabilities are proposed to be transferred. Sets out the procedure that must be followed before the dissolution and merger of districts, including holding a public hearing. Sets the effective date of the merger of districts as the following July 1 after the resolution has been adopted by the Environmental Management Commission; specifies seven events related to the merger that become effective on that date. Effective October 1, 2019.

Intro. by Sanderson.

[GS 162A](#)

[View summary](#)

[Environment, Government, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities](#)

S 435 (2019-2020) [NEED-BASED SCHOLARSHIPS/VIRTUAL INSTITUTION](#). Filed Apr 1 2019, *AN ACT TO ADD NONPROFIT VIRTUAL POSTSECONDARY INSTITUTIONS AS ELIGIBLE PRIVATE POSTSECONDARY INSTITUTIONS FOR THE PURPOSES OF THE NEED-BASED SCHOLARSHIP PROGRAM FOR STUDENTS ATTENDING PRIVATE INSTITUTIONS OF HIGHER EDUCATION.*

Amends GS 116-280, as the title indicates. Requires that the institution also be accredited by a regional accrediting agency recognized by the United States Department of Education, have established and continuously maintains a physical campus or location of operation in this state, and maintain a governing body or advisory board in this state with oversight of the institution's operations in North Carolina.

Effective July 1, 2019, and applies to the award of need-based scholarships on or after that date.

Intro. by Ballard.

[GS 116](#)

[View summary](#)**Education, Higher Education**

S 436 (2019-2020) **VARIOUS HIGHER EDUCATION CHANGES.-AB** Filed Apr 1 2019, *AN ACT TO MAKE VARIOUS CHANGES TO THE HIGHER EDUCATION LAWS.*

Part I. Community College System

Amends GS 115D-58.10 by allowing the State Board of Community Colleges (Board) to determine what State employees and employees of institutions must be insured for the protection of State funds and property. Makes conforming changes. Provides that in lieu of a bond, the board of trustees of an institution may obtain and maintain adequate insurance coverage sufficient for the protection of institutional funds and property.

Amends GS 115D-3 by adding that the President of the North Carolina System of Community Colleges may reorganize the System Office in accordance with recommendations and plans submitted to and approved by the Board. Requires a report by March 1 if a reorganization is implemented to the specified NCGA committee. Makes organizational changes. Effective July 1, 2019.

Part II. UNC System

Amends GS 116-239.8 to clarify that local school administrative units in which the laboratory school is located must administer, at its cost, the National School Lunch Program for the laboratory school. Provides that the local school administrative unit in which the laboratory school is located must provide transportation to students who reside in the local school administrative unit and attend the school (was, to students attending the school), and adds that this includes any students who are homeless and require assistance under the McKinney-Vento Homeless Assistance Act. Adds that the transportation requirement (1) applies regardless of where a laboratory school student resides in the unit or how the unit's transportation policies and practices are applied to other students and (2) includes providing transportation of students and personnel for laboratory school extracurricular activities and education trips in the same manner as other schools in the unit for that school year. Applies beginning with the 2019-20 school year.

Amends GS 116-239.5 by expanding on the immunities of the Subcommittee, chancellor, the constituent institution, an advisory board, and a laboratory school, and their members, employees, and agents, to include the specific immunities provided for in GS Chapter 115C applying to the State Board of Education, Superintendent of Public Instruction, a local board of education, a local school administrative unit, and their members and employees.

Amends GS 116-239.5, GS 116-239.7, and SL 2016-94 by reducing the number of designated laboratory schools from nine to six.

Amends GS 116-41.30 to make the Future Teachers of North Carolina Program (Program) a selective, application-based symposium for high school juniors and seniors, offering a challenging introduction to teaching as a profession (was, a program providing professional development and curricula for courses that provide a challenging introduction to teaching as a profession for high school students offered by participating high schools in conjunction with college partners). Expands upon course content and sets out required practical benefits of the Program.

Amends GS 116-41.31, which required the President of the University of North Carolina to select three constituent institutions to collaborate on development of the curricula for the Program and provide professional development; instead requires the President to establish a Future Teachers of North Carolina Advisory Council (Council) to oversee the Program. Requires the Council, at the President's discretion, to coordinate with constituent institutions to use expertise from individuals at institutions of higher education in designing the agenda and instructional content for the Symposium. Also makes the Council responsible for an application process to be used to select students as well as recruitment and outreach efforts. Deletes provisions encouraging high schools to offer Program courses to students. Deletes provisions requiring constituent institutions that partner with high schools to offer dual credit for high school students who complete the Program course with a specified grade.

Amends GS 116-41.32 by amending the items related to the Program that the UNC System Office must report on and changing the due date of the first report to October 15, 2020 (was, October 15, 2019).

Amends SL 2018-5, Section 36.6, by requiring the UNC Board of Governors Planning Task Force to submit a preliminary report by April 1, 2019, and submit a final report by February 2020 (was, submit a report by April 1, 2019, only). Adds that the funds appropriated to the Board of Governors for the Task Force for 2018-19 do not revert at the end of the 2018-19 fiscal year and remain available until the end of the 2019-20 fiscal year. Effective June 30, 2019.

Provides that the funds appropriated by SL 2018-5 for enrollment adjustments for The University of North Carolina, including funds for the NC Promise Tuition Plan, to a reserve account in the Office of State Budget and Management for the 2018-19 fiscal year do not revert at the end of 2018-19 but remain available until the end of the 2019-20 fiscal year for the purpose of the "buy down" of any financial obligations resulting from the established tuition rate under GS 116-143.11 incurred by Elizabeth City State University, the University of North Carolina at Pembroke, and Western Carolina University, or for rapid growth at any of those constituent institutions. Effective June 30, 2019.

Intro. by Ballard.

[GS 115D, GS 116](#)

[View summary](#)

[Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System](#)

S 437 (2019-2020) [NC COMPLETES COLLEGE/COMPETITIVE WORKFORCE](#). Filed Apr 1 2019, *AN ACT TO IMPLEMENT VARIOUS POLICY CHANGES DESIGNED TO CREATE AN EDUCATIONAL ATTAINMENT GOAL FOR THE STATE; TO IMPROVE STUDENT OUTCOMES, INCLUDING REDUCING TIME TO DEGREE AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AND TO RECOGNIZE THE NEED FOR AND VALUE OF NONDEGREE WORKFORCE CERTIFICATIONS.*

Includes whereas clauses.

Part I.

Adds a new Article 2, North Carolina Postsecondary Attainment Goal, to GS Chapter 116C. Sets out legislative findings. Requires the State to make significant efforts to increase access to learning and improve the education of more North Carolinians so that, by the year 2030, 2 million residents between the ages of 25 and 44 will have completed a high-quality credential or postsecondary degree.

Establishes the 18-member Joint Legislative Task Force on Postsecondary Attainment (Task Force). Requires the Task Force, in consultation with the Department of Public Instruction, the Community Colleges System Office, and The University of North Carolina System Office, to create an inventory of existing education programs and policies to assess the effectiveness of those programs and policies in order to determine how to facilitate the progress of the State in reaching the postsecondary attainment goal. Requires the study to consider work and recommendations of the My Future NC Commission and the Postsecondary Education Credentials Commission and any other issues the Task Force considers relevant. Requires the Task Force to begin meeting by October 1, 2019. Requires an interim report by March 1, 2020, and a final report by March 1, 2022, to the specified NCGA committee. Terminates the Task Force upon the earlier of March 1, 2022, or upon the filing of its final report.

Part II.

Appropriates from the General Fund to the reserve account in the Office of State Budget and Management for enrollment adjustments for UNC \$43,578,223 in additional recurring funds for 2019-20 to increase graduation rates and reduce time to degree by expanding the number of and enrollment in on-campus undergraduate summer courses offered on-campus at constituent institutions. Requires that in subsequent years the annual enrollment growth request from UNC reflect incremental changes in the actual credit hours completed in the fall, spring, and summer terms.

Appropriates from the General Fund to the UNC Board of Governors \$10 million in recurring funds for 2019-20 to allocate to the State Education Assistance Authority (Authority) to provide summer scholarships to enable and encourage students enrolled in a UNC constituent institution or a North Carolina community college to enroll in summer courses. Requires giving priority to students with financial need who can use summer courses to earn 30 credits in the academic year or accelerate their path to a degree. Sets out who is to establish guidelines for the Authority for awarding scholarships. Requires the appropriated

fund to be used as follows: (1) up to \$7 million in recurring funds to be used to provide scholarships to students enrolled in constituent institutions and (2) up to \$3 million in recurring funds to be used to provide scholarships to students enrolled in community colleges. Applies beginning with the 2020 summer term.

Part III.

Appropriates from the General Fund to the UNC Board of Governors \$4 million in recurring funds for 2019-20 to be allocated to the State Education Assistance Authority (Authority) to establish a scholarship program for students who receive an eligible college transfer associate degree (as defined) from a North Carolina community college and transfer to a UNC constituent institution within 12 months of receiving the degree. Requires the Authority to award eligible students a one-time scholarship in an amount of up to \$1,000. Requires the UNC Board of Governors and the President to establish eligibility criteria for students, including specified criteria. Requires the Authority to adopt any necessary rules for administration of the scholarships. Applies beginning with the 2020-21 academic year.

Appropriates for 2019-20 from the General Fund to the UNC Board of Governors \$150,000 in recurring funds and \$200,000 in nonrecurring funds to support the work of the Transfer Advisory Committee (TAC) and the Military Credit Advisory Council (MCAC), to be used to accelerate efforts of TAC and MCAC to create new pathways programs, engage in site reviews, evaluate additional military occupations and courses for credits, and build a searchable database of military credit equivalencies.

Appropriates from the General Fund to the UNC Board of Governors \$300,000 in recurring funds for 2019-20 to reduce student textbook costs through the curation and adoption by the UNC System Office of high-quality open educational resources materials for the most commonly taught courses across constituent institutions and community colleges. Requires giving priority to courses that universally transfer under the Comprehensive Articulation Agreement entered into by the Board of Governors and the State Board of Community Colleges.

Part IV.

Appropriates from the General Fund to the Community Colleges System Office \$11,520,449 in additional recurring funds for 2019-20 for short-term workforce training continuing education programs that lead to a state- or industry-recognized credential.

Appropriates for 2019-20 from the General Fund to the Community Colleges System Office \$5 million in recurring funds and \$1.5 million in nonrecurring funds for the purchase of an online registration system for continuing education courses.

Appropriates for 2019-20 from the General Fund to the Community Colleges System Office \$566,587 in recurring funds for the operation of the Forsyth Technical Community College Transportation Technology Center. Makes that same appropriation for the operation of each of the following: Guilford Technical Community College Aviation Campus, Richmond Community College Scotland County Campus, and Wake Technical Community College Research Triangle Park Campus.

Part V.

Amends GS 115D-21.5 by adding criteria to determine the match amount to be paid for funds awarded for the NC Career Coach Program based on the tier designation of the county in which the community college's main campus is located.

Appropriates \$2.8 million from the General Fund to the Community Colleges System Office in recurring funds for 2019-20 to support the NC Career Coach Program, to be used to place additional community college career coaches in public high schools.

Applies beginning with the 2019-20 school year.

Part VI.

Unless otherwise indicated, effective July 1, 2019.

Intro. by Ballard.

APPROP, STUDY, GS 115D, GS 116

[View summary](#)

Education, Higher Education, Government,

S 438 (2019-2020) **EXCELLENT PUBLIC SCHOOLS ACT OF 2019**. Filed Apr 1 2019, *AN ACT TO MODIFY THE IMPLEMENTATION OF THE NORTH CAROLINA READ TO ACHIEVE PROGRAM IN ORDER TO ATTAIN STATEWIDE READING PROFICIENCY BY THE THIRD GRADE.*

Amends GS 115C-83.6, concerning early grade reading proficiency, to require K-3 grade students to receive high-quality core reading instruction (not previously mandated). Further requires the students to be assessed with universal screening measures for literacy (not previously specified), using valid and relative formative and diagnostic reading assessments made available to local school administrative units by the State Board of Education (State Board) under GS 115C-174.11. Now provides for the specific supports and services to be used to address difficulty with reading development to include: (1) the development of an Individual Reading Plan (IRP) for students identified as below grade level, as specified, that is continually adjusted based on data collection specific to the identified student; and (2) notifying a student's parent or guardian of the student's identified deficit in one or more critical reading skills and that an IRP has been developed. Details the criteria for IRPs and notice. Makes conforming changes to refer to deficits in critical reading skill rather than reading comprehension below grade level in the context of reading camp enrollment.

Directs the Department of Public Instruction to develop a Digital Children's Reading Initiative (Initiative) to increase the percentage of reading proficiency by the end of third grade. Requires the Initiative to provide free tools and resources to assist families in cultivating reading proficiency. Provides for DPI to vet third party resources to link to the Initiative and frequently monitor links for currency and consistency with the purpose. Details requirements for availability and access to the resources. Directs DPI to make home activities, printables and game available on seven specific literacy skills, appropriate for each grade level. Requires DPI to disseminate the Initiative to all local units by January 15, 2020, and requires each local unit to make the Initiative resources accessible directly through the unit's website no later than July 1, 2020, as specified. Allows local school administrative units to compile and add additional resources that meets the requirements of the act to provided to them by DPI. Also requires printable activities to be provided in hard copy to students who do not have digital access at home and be provided to all students as a supplement to digital resources as well. Applies beginning with the 2020-21 school year.

Requires the DPI Superintendent to convene a task force of members of the UNC Board of Governors, the State Board of Community Colleges, the NC Independent Colleges and Universities, the State Board, and the Professional Educator Preparation and Standards Commission (PEPSC), or their designees, to develop a Comprehensive Plan to Improve Literacy Instruction (Plan). Requires the Plan to have clear goals to ensure public school literacy instruction is evidence-based, designed to improve outcomes for children in gaining early literacy skill, and consistently delivered by teachers. Further details the Plan's requirements and charges the Plan to also recommend changes to existing State programs as well as new initiatives to facilitate the goals of the Plan. Enumerates 11 points that must be considered in developing the Plan, including research on early childhood learning and the number and type of continuing education credits related to literacy that should be required for renewal of a teacher license. Directs the Superintendent to report to the specified NCGA committee by March 15, 2020, as specified.

Amends GS 115C-296.5 to direct the NC Center for the Advancement of Teaching (NCCAT) to prioritize the delivery of early learning and literacy instruction services through increasing the number of teacher participating in their evidence-based professional development programs in early learning and literacy instruction that meets the goals of the Comprehensive Plan to Improve Literacy Instruction (Plan), as defined in GS 115C-269.1 as enacted. Eliminates the current provision that requires NCCAT to prioritize admission for teachers with 15 years or less teaching experience. Modifies the reporting requirements to now require the Executive Director of NCCAT to submit a copy of its annual report to the Superintendent (was only the Chair of the State Board). Additionally sets forth minimum requirements of the report to include data on teachers served by NCCAT's professional development programs and evaluation data on the programs offered by NCCAT. Applies to programs offered by NCCAT on or after July 1, 2020.

Directs NCCAT to collaborate with DPI and educator preparation programs (EPPs) selected by the UNC System Office in designing professional development programs to offer to teachers to align with the most recent standards and curriculum for literacy instruction in K-3 grades. Further requires NCCAT to meet the goals and recommendations set forth in the Plan developed pursuant to the act for purposes of meeting the requirements of GS 115C-296.5, as amended.

Enacts GS 115C-269.1(9a), adding *Comprehensive Plan to Improve Literacy Instruction* to the defined terms concerning EPPs. Amends GS 115C-269.20, which sets forth minimum content and pedagogy requirements of EPPs. Now requires EPPs providing training for elementary education teachers to include coursework in the teaching or reading and writing that is approved by the State Board as high-quality, evidence-based training for the preparation of educators that meets the goals for literacy instruction based on the Plan (was, adequate coursework in the teaching of reading and writing). Further requires EPPs providing training for elementary and special education general curriculum teachers to ensure that students receive instruction in early literacy intervention strategies and practices which are aligned with the goals for literacy established in the Plan (was, only those aligned with State and national reading standards). Applies to EPPs applying for approval or renewal on or after July 1, 2020.

Directs the State Board and DPI to develop or identify literacy curriculum and instruction standards to ensure that methods throughout the State are consistent and closely aligned with Part 1A, Article 8, GS Chapter 115C (Read to Achieve Program). Directs the State Board and DPI to incorporate only the most effective-evidence based literacy curriculum and instruction methods into the standards developed, based on the goals and recommendations of the Plan. Directs the State Board to provide local boards the standards developed, a model literacy curriculum, and an example literacy curriculum which does not meet the standards along with an explanatory guide, no later than June 30, 2020. Directs each local unit to evaluate its literacy curriculum and instruction and make necessary modifications to adhere to the standards developed, or adopt the model provided by the State Board. Requires local units to submit explanation of its literacy curriculum and instruction aligned with the standards developed no later than December 15, 2020.

Directs Service Support Coordinators or other designated staff to work to ensure statewide implementation of the standards developed by the State Board, as specified. Requires review and modification of all literacy instruction statewide to be complete no later than November 15, 2021. Requires implementation of modifications beginning with the 2022-23 school year.

Directs the State Board and DPI to conduct an analysis of reading camps throughout the state to determine which camp activities and instructional methods are most effective in furthering reading development. Requires the State Board and DPI to develop reading camp standards based on the analysis and report to the specified NCGA committee no later than December 15, 2019, on the standards developed and recommended legislation.

Adds a new requirement for each local unit to submit to DPI a plan for the operation of its reading camps, beginning with reading camps corresponding to the 2019-20 school year, no later than March 1, 2020. Details plan criteria, including the unit's efforts to staffing the most qualified teachers possible. Requires DPI to review each plan and provide feedback, no later than May 15, 2020, to ensure instruction closely aligns with the goals of the Read to Achieve Program (Part 1A, Article 8, GS Chapter 115C), meets the minimum requirements of GS 115C-83.3, as amended, and complies with the reading camp standards published by the State Board. Allows DPI to provide and form, and if so, requires local units to submit their plans on the form.

Amends GS 115C-83.3, removing the requirement that the 72 hour reading instruction requirement of reading camps be provided over no less than three weeks for students in schools using calendars other than year round calendars.

Enacts GS 115C-83.6A, detailing the procedure and criteria for local units to submit plans for the operation of its reading camps by October 1 of each year, and DPI to review, provide feedback, and approve reading camp plans. Requires DPI to notify each unit of its approval, or denial and feedback, no later than February 15. Allows a local unit to submit an amended plan no later than March 15, and requires DPI to notify the unit of approval or denial no later than April 15. Prohibits State-approved reading camp funds from being released without plan approval by April 15. Requires any local units denied approval to use local funds to fulfill the requirement to provide a reading camp. Applies beginning with the 2020-21 school year to reading camps corresponding to that school year.

Directs the State Board to analyze the passage rate for alternative assessments in order to determine the comparative utility of each alternative assessment based on data collected pursuant to GS 115C-83.10 (as amended by SL 2018-5). Directs the State Board to submit a report of the results to the specified NCGA committee no later than January 15, 2020, along with any recommendations to eliminate certain alternative assessments.

Directs DPI to create a uniform template for all data collected pursuant to Part 1A, Article 8, GS Chapter 115C (Read to Achieve Program), beginning with data collected during the 2013-14 school year and each subsequent school year. Requires clear designation for each data component reported and provides parameters for values and measured used. Requires data

values to be compiled for each data component for each school year and provided to the specified NCGA committee in the uniform template no later than April 15, 2020. Further amends GS 115C-83.6 to make conforming changes to the data DPI must provide for K-3 grades regarding reading proficiency for Education Value-Added Assessment System (EVAAS) analysis, and to specify that data values for the three consecutive years must be provided. Applies beginning with the 2019-20 school year.

Deems a teacher who has earned a reading bonus and who provides instruction throughout a full reading camp to have completed two continuing education credits related to literacy as required by GS 115C-27.30(b)(2).

Permits students attending reading camp, for reading camps corresponding to the 2019-20 school year, to be taught by unlicensed retired classroom teachers of K-3 grades, based on demonstrated outcomes or improvement of difficulties as specified. Allows a retired teacher to begin providing reading camp instruction after six-months immediately following the effective date of retirement. Provides for compensation of \$2,000 upon completion of the camp.

Directs DPI to contract with NC State to continue the Wolfpack Works pilot program during the 2019-20 and 2020-21 school years from the funds appropriated to DPI for the 2019-21 fiscal biennium for the Excellent Public Schools Act, Read to Achieve Program. Allows a contract extension, and the use of funds to expand the pilot program by collaborating with other constituent institutions, if determined in the best interest of students in the State, as determined by DPI. Prohibits constituent institutions from charging indirect facilities and administrative costs against the funding. Directs DPI to submit a report to the specified NCGA committee by March 15 of each year that funds are used. Details report requirements. Effective July 1, 2019.

Intro. by Berger.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Department of Public Instruction, State Board of Education

S 439 (2019-2020) **PED STUDY - DPS/HEALTH SERVICES/FUNDS FOR FTE**. Filed Apr 1 2019, *AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC SAFETY, HEALTH SERVICES, TO FUND ONE FULL-TIME SOCIAL RESEARCH SPECIALIST III TO ANALYZE DATA ON INMATE HEALTH CARE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION COMMITTEE.*

Identical to [H 141](#), filed 2/20/19.

Appropriates \$82,115 for 2019-20 from the General Fund to the Department of Public Safety (DPS), Health Services Section, to fund one full-time Social Research Specialist III, or equivalent classification, responsible for combining and analyzing data on inmate health care in order to identify factors that increase inmate health care costs and ways in which DPS can limit those factors. Provides that the Social Research Specialist III reports directly to the Director of the Division of Health Services. Effective July 1, 2019.

Intro. by Waddell, Foushee.

APPROP

[View summary](#)

Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Government, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Department of Public Safety, Health and Human Services, Health

S 440 (2019-2020) **BODY ART REGULATION CHANGES**. Filed Apr 1 2019, *AN ACT TO MAKE CHANGES TO THE REGULATION OF BODY ART.*

Amends GS 130A-283. Defines a number of terms, including *body art* (procedures conducted for artistic purposes that include body piercing, branding, scarification, subdermal implants, and tattooing as these terms are also newly defined). Redefines *tattooing* to exclude the production of scars (now defined as scarification). Applies existing regulations of tattooing to all forms of body art. Creates a new Class A1 misdemeanor consisting of any violation of GS 130A-283. Adds text clarifying that GS 130A-283 does not authorize licensed body artists to insert an object under the skin, treat injuries or disorders of the body, or practice medicine. Makes conforming changes.

Amends GS 130A-29(c) to apply the existing regulation of tattooing to all forms of body art.

Amends GS 130A-39(g) to make a conforming change.

Effective January 1, 2020, and applies to permits granted on or after that date. Permits for tattooing issued before that date, but not yet expired, remain valid until expiration.

Intro. by J. Davis, Foushee.

[GS 130A](#)

[View summary](#)

[Business and Commerce, Occupational Licensing, Health and Human Services, Health](#)

S 441 (2019-2020) [JACKSON COUNTY/TROUT CAPITAL OF NC](#). Filed Apr 1 2019, *AN ACT ADOPTING JACKSON COUNTY AS THE TROUT CAPITAL OF THE STATE OF NORTH CAROLINA*.

Includes whereas clauses.

Enacts GS 145-52 as title indicates.

Intro. by J. Davis.

[GS 145](#)

[View summary](#)

[Government, Cultural Resources and Museums](#)

S 442 (2019-2020) [DRUG TRAFFICKING/JUDICIAL DISCRETION & STUDY](#). Filed Apr 1 2019, *AN ACT TO INCREASE JUDICIAL DISCRETION IN SENTENCING FOR DRUG TRAFFICKING OFFENSES AND TO REQUIRE THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO STUDY THE ADVISABILITY OF REDUCING SENTENCES FOR DRUG TRAFFICKING CONVICTIONS*.

Part I.

Amends GS 90-95(h), which sets out drug trafficking offenses. Adds that a sentencing judge may reduce the fine or impose a prison term less than the applicable minimum prison term, or suspend the prison term imposed and place a person on probation, if the sentencing judge enters all of the following findings in the record: (1) the defendant was suffering from an addiction to a controlled substance that was insufficient to constitute a defense but significantly reduced the defendant's culpability; (2) the defendant has accepted responsibility for the defendant's criminal conduct; (3) the defendant has completed a substance abuse assessment; and (4) the defendant has a good treatment prognosis, and a workable treatment plan is available. Places upon the defendant the burden of proving by a preponderance of the evidence that the required factors exist. Allows ordering that a term of imprisonment imposed as a condition of special probation be served at an inpatient facility for treatment of substance abuse. Requires the defendant bear the expense of any treatment unless the court finds, upon good cause shown, that the defendant should not be required to pay any or all of the cost of treatment and orders that the cost be absorbed by the State. Allows the judge to sets additional requirements related to the treatment. Allows the judge to credit against the active sentence imposed on a defendant the time the defendant was an inpatient at the treatment facility, so long as treatment occurred after the commission of the offense for which the defendant is being sentenced. Requires that when the defendant is placed on probation, that the judge impose a requirement that the defendant abstain from the use of any controlled substance without a valid prescription and obtain the education or treatment recommended by the substance abuse assessment.

Amends GS 122C-142.1 by making conforming changes to require area authorities to provide substance abuse services as described in GS 90-95 to consideration at sentencing. Adds to the information that must be included in the annual report on substance abuse assessments so that it also includes the number of substance abuse assessments requested in order to be presented to the court at sentencing under GS 90-95. Applies to offenses committed on or after December 1, 2019.

Part II.

Requires the North Carolina Sentencing and Policy Advisory Commission to study three specified issues related to inmates incarcerated solely for a conviction of a drug trafficking offense under GS 90-5(h), including the advisability of reducing sentences imposed under structured sentencing based on the case facts and records of inmates. Requires a report to the specified NCGA committee by February 15, 2020.

Part III.

Provides that prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Intro. by J. Davis.

[STUDY, GS 90, GS 122C](#)

[View summary](#)

[Courts/Judiciary, Court System, Criminal Justice, Corrections \(Sentencing/Probation\), Health and Human Services, Health, Public Health](#)

S 443 (2019-2020) [WAIVER/PROHIBIT CERTAIN FOODS/SNAP](#). Filed Apr 1 2019, *AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SEEK A WAIVER FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE THAT WOULD AUTHORIZE THE STATE TO PROHIBIT THE PURCHASE OF CERTAIN FOODS UNDER THE FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)*.

Includes whereas clauses.

Requires the Department of Health and Human Services (DHHS), Division of Social Services (Division), by October 1, 2020, to request a waiver from the US Department of Agriculture (USDA) authorizing the State to prohibit the use of benefits under the federal Supplemental Nutrition Assistance Program (SNAP) for the following: (1) purchase of food items that may have little or no nutritional value, including, but not limited to, soft drinks, candy, cakes, and cookies, that are otherwise subject to State sales tax; or (2) bulk purchases of grocery items that, if purchased in smaller quantities, would be considered prepared food and, therefore, subject to State sales tax.

Requires the Division, within 60 days from the date the USDA grants the waiver, to amend its rules to prohibit the use of SNAP benefits for the purchase of food items having little or no nutritional value and bulk purchases of grocery items that, if purchased in smaller quantities, would be considered prepared food.

Requires the Division to report to the Joint Legislative Oversight Committee on Health and Human Services within 30 days of the USDA's decision to either grant or deny the waiver.

Intro. by J. Davis.

[UNCODIFIED](#)

[View summary](#)

[Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Public Assistance](#)

S 444 (2019-2020) [ALLOW USE OF OYSTER SHELLS AS SERVING DISHES](#). Filed Apr 1 2019, *AN ACT ALLOWING FOOD ESTABLISHMENTS TO REPURPOSE OYSTER SHELLS AS SERVING DISHES*.

Amends GS 130A-248 to allow food establishments to reuse an oyster shell to serve shucked, cooked oysters if the establishment: (1) posts on the premises a conspicuous sign advising that the establishment reuses oyster shells to serve cooked oysters, (2) protects each reused shell from contamination by taking the minimum listed steps on the same day that the oyster is removed from the shell, and (3) reuses the shell within 48 hours after the oyster is removed. Effective October 1, 2019.

Intro. by McInnis.

[GS 130A](#)

[View summary](#)

[Business and Commerce, Environment, Aquaculture and Fisheries, Health and Human Services, Health, Public Health](#)

S 445 (2019-2020) [DOT JUST COMPENSATION INTEREST RATE](#). Filed Apr 1 2019, *AN ACT TO MODIFY THE DEPARTMENT OF TRANSPORTATION JUST COMPENSATION INTEREST RATE*.

Amends GS 136-113, which requires just compensation to include interest at the legal rate in cases of condemnation by the Department of Transportation. Eliminates the provision defining *legal rate* to mean the prime lending rate as published by the Federal Reserve System on the first business day of the calendar month immediately preceding the date of taking and capped the rate at the amount set in GS 24-1. Instead, specifies that interest accrues on the difference between the deposit and judgment thereafter as provided in GS 24-1, which sets the legal rate of interest at 8% per year. Makes conforming changes.

Intro. by McInnis, Krawiec.

[GS 24, GS 136](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\)](#)

S 446 (2019-2020) [ELECTRIC/HYBRID VEHICLE REGISTRATION FEES](#). Filed Apr 1 2019, *AN ACT TO REVISE THE ELECTRIC VEHICLE REGISTRATION FEES; TO AUTHORIZE A REGISTRATION FEE FOR HYBRID VEHICLES; AND TO PROVIDE FOR ANNUAL ADJUSTMENTS TO ELECTRIC AND HYBRID VEHICLE REGISTRATION FEES*.

Amends GS 20-87(13) to increase the additional fee for initial registrations and renewals for plug-in electric vehicles which are not low-speed vehicles and which do not rely on a nonelectric source of power, in three phases, from \$130 to \$175, \$225, and \$275, effective January 1, 2020, 2021, and 2022, respectively, and applicable to registrations and renewals due on or after those dates.

Enacts GS 20-87(14) to establish an additional fee of \$87.50 for initial registrations and renewals of hybrid vehicles, effective January 1, 2020, and applicable to registrations and renewals due on or after that date. Defines *hybrid vehicle* to mean one that is capable of being propelled, at least in part by electricity, but is also capable of using motor fuel to propel the vehicle. Increases the additional fee for initial registrations and renewals for hybrid vehicles in two phases, to \$112.50 and \$137.50, effective January 1, 2021 and 2022, respectively, and applicable to registrations and renewals due on or after those dates.

Amends GS 20-4.02 to require the Division of Motor Vehicles (DMV) to adjust the additional registration fees for electric vehicles and hybrid vehicles for inflation set out in GS 20-87, beginning July 1, 2020, and quadrennially thereafter. Adds a new requirement for the DMV to adjust the additional registration fees for electric vehicles and hybrid vehicles set out in GS 20-87 beginning January 1, 2023, and annually thereafter, pursuant to the formula specified, adjusting for changes in population and the Consumer Price Index. Requires the DMV to conform to the consultation and publication requirements set out in GS 20-4.02(d) prior to making the adjustments.

Effective January 1, 2020.

Intro. by J. Davis, McInnis.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, State Agencies,](#)

Department of Transportation

S 447 (2019-2020) **DISASTER RESILIENCY/EMERGENCY MANAGEMENT**. Filed Apr 1 2019, *AN ACT TO PROVIDE FUNDS FOR COASTAL RESILIENCE AND STREAM DEBRIS REMOVAL*.

Appropriates \$2 million in nonrecurring funds for 2019-20 from the Hurricane Florence Disaster Recovery Fund to the UNC Board of Governors to be allocated to the North Carolina Policy Collaboratory to study flooding and resiliency against future storms in Eastern North Carolina and develop an implementation plan with recommendations. Requires a report to the specified NCGA committees and division no later than March 15, 2020.

Appropriates \$2 million in nonrecurring funds for 2019-20 from the Hurricane Florence Disaster Recovery Fund to the Department of Agriculture and Consumer Services, Division of Soil and Water Conservation, for stream debris removal in storm-affected counties. Defines storm-affected counties as any county of the State included in either a Secretarial Disaster Declaration for Hurricanes Michael or Florence issued by the US Secretary of Agriculture or a Presidential Federal Emergency Management Agency Declaration for Hurricanes Michael or Florence. Excludes stream debris removal projects from GS Chapter 113, Articles 1, 4, and 7 [appears to intend GS Chapter 113A, Articles 1 (Environmental Policy Act), 4 (Sedimentation Pollution Control Act of 1973), and 7 (Coastal Area Management)], and requirements for stormwater or water quality permits under GS Chapter 143, Article 21. Directs the Department of Environmental Quality to waive any right of certification under Section 401 of the federal Clean Water Act with respect to funded projects. Appropriated funds for 2019-20 do not revert and remain available until the funds have been spent or encumbered. Requires the Division of Soil and Water Conservation to report within 30 days of the end of each fiscal quarter to the specified Committee and Division on uses for the funds appropriated; specifies items to be included in the report.

Effective July 1, 2019.

Intro. by Brown, B. Jackson, Perry.

APPROP, STUDY

[View summary](#)

Government, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, UNC System, Department of Agriculture and Consumer Services, Department of Environmental Quality (formerly DENR)

S 448 (2019-2020) **AMEND APPT FOR COMPACT ON EDUCATION/MILITARY**. Filed Apr 1 2019, *AN ACT TO AMEND THE REQUIREMENTS FOR AN INDIVIDUAL APPOINTED AS COMPACT COMMISSIONER UNDER THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN*.

Identical to [H 340](#), filed 3/12/19.

Amends GS 115C-407.7 to no longer require that the Governor's appointee as compact commissioner for the Interstate Compact on Educational Opportunity for Military Children be a licensed North Carolina attorney, but retains the requirements that the appointee represent at least one local board of education with a high concentration of military children.

Intro. by Brown.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education, Military and Veteran's Affairs

S 449 (2019-2020) **SHRA/CERTAIN AGENCIES/FLEXIBILITY**. Filed Apr 1 2019, *AN ACT AMENDING THE STATE HUMAN RESOURCES ACT TO GRANT CERTAIN STATE AGENCIES FLEXIBILITY IN EMPLOYEE CLASSIFICATION AND SALARY ADMINISTRATION*.

Enacts GS 126-5(c15), establishing that the Council of State agencies, the Office of State Controller, the Community College System Office, and the UNC System have sole authority and discretion over the following actions concerning their respective personnel: (1) classifying new positions or reclassifying vacant positions within the classification system adopted by the State Human Resources Commission or as prescribed by law; (2) making hiring decisions based on the flexibility provided by the subsection; and (3) determining the appropriate salary for their respective employees so long as funding is available within the budgeted salary appropriated to the agency and the salary remains in the salary range associated with the classification or as prescribed by law. Requires the human resources director for each State agency to ensure that each new hire employed pursuant to the classification and salary administration flexibility granted by the subsection meets the minimum qualifications for the position. Directs the Office of State Human Resources to provide assistance to agencies upon request. Effective July 1, 2019.

Intro. by Burgin.

[GS 126](#)

[View summary](#)

[Government, State Agencies, Community Colleges System Office, UNC System, Office of State Controller, Office of State Human Resources \(formerly Office of State Personnel\), State Government, State Personnel](#)

S 450 (2019-2020) [STUDY STATEWIDE YEAR-ROUND SCHOOL CALENDAR](#). Filed Apr 1 2019, *AN ACT TO DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE FEASIBILITY AND POTENTIAL OUTCOMES OF A STATEWIDE YEAR-ROUND SCHOOL CALENDAR*.

Requires the Department of Public Instruction to study and make recommendations on the feasibility and potential outcomes of a statewide year-round school year, including an analysis of 10 specified topics. Requires submitting a report on the study results by May 1, 2020, to the specified NCGA committee.

Intro. by Burgin.

[STUDY](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, Department of Public Instruction](#)

S 451 (2019-2020) [FUNDS FOR SOS TO OFFSET LEASE](#). Filed Apr 1 2019, *AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO THE SECRETARY OF STATE TO OFFSET LEASE PAYMENT FOR ATLANTIC AVENUE LOCATION*.

Appropriates \$500,000 for 2019-20 and \$500,000 for 2020-21 in recurring funds from the General Fund to the Department of the Secretary of State to be used as title indicates. Effective July 1, 2019.

Intro. by Burgin.

[APPROP](#)

[View summary](#)

[Government, Budget/Appropriations, State Agencies, Secretary of State](#)

S 452 (2019-2020) [2019 GOVERNOR'S BUDGET](#). Filed Apr 1 2019, *AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES*.

Due to the fact that Governor Cooper's proposed budget was released on March 6, 2019, and has been available to the public in advance of the filing of S 452, we will not be including a summary of the bill version of his budget. For the content of the bill, please follow the link to the bill on the General Assembly's site above. Further information on the Governor's proposed budget can also be found on the Office of State Budget and Management's website at https://www.osbm.nc.gov/budgetbook_2019-21.

Intro. by Brown, Harrington, B. Jackson.**APPROP**[View summary](#)**Government, Budget/Appropriations, State Government, Executive**

S 453 (2019-2020) **ELIGIBILITY REFORM/SNAP**. Filed Apr 1 2019, *AN ACT TO REQUIRE APPLICANTS FOR FOOD AND NUTRITION BENEFITS TO COOPERATE WITH THE STATE CHILD SUPPORT ENFORCEMENT PROGRAM AS A CONDITION OF ELIGIBILITY FOR BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)*.

Amends GS 108A-52 by adding that the Department of Health and Human Services must require applicants for electronic food and nutrition benefits to cooperate with the Child Support Enforcement Program as a condition of eligibility for food and nutrition benefits. Makes additional conforming and organizational changes to the statute. Effective January 1, 2020.

Intro. by Hise.**GS 108A**[View summary](#)**Courts/Judiciary, Civil, Family Law, Health and Human Services, Social Services, Public Assistance**

S 454 (2019-2020) **MILL MACHINERY EXISTING LAW CLARIFICATION**. Filed Apr 1 2019, *AN ACT TO CLARIFY THE MILL MACHINERY TAX BENEFIT*.

Amends GS 105-164.13(5e), which provides qualifying farmers a tax exemption for sales of mill machinery or mill machinery parts or accessories to any of the persons specified, including a manufacturing industry or plant. Clarifies that a *manufacturing industry or plant* does not include a deli, cafe, cafeteria, restaurant, or another similar retailer that is principally engaged in the retail sale of food prepared by it (was, *foods* prepared by it) for consumption on or off premises, nor a production company. Specifies that the determination of whether a person is excluded from a manufacturing plant or industry, as defined, related to the date of purchase.

Provides legislative findings and intent, and directs that the act should be used by the Department of Revenue for all determinations regarding persons claiming the mill machinery tax benefit from the time of enactment until the time of its replacement with the tax exemption modified by the act.

Intro. by Ballard, Gunn.**GS 105**[View summary](#)**Government, Tax**

S 455 (2019-2020) **EQUALITY FOR ALL**. Filed Apr 1 2019, *AN ACT TO PROTECT ALL NORTH CAROLINIANS AGAINST DISCRIMINATION IN ALL WALKS OF LIFE*.

Identical to [H 514](#), filed 3/28/19.

Part I. Housing

Amends GS 41A-4, which delineates unlawful discriminatory housing practices, to refer to the protected status of another person as the basis for unlawful discrimination instead of listing specific protected classes (currently, race, color, religion, sex, national origin, handicapping condition, or familial status). Adds protected status to the defined terms in GS 41A-3 and defines the term to mean a person's race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information. Makes conforming changes to use a person's protected status language to replace specific classes of persons throughout GS 41A-4 and GS 41A-5 (concerning proof of a violation of GS 41A-4).

Amends GS 41A-6, which exempts from GS 41A-4 (except for subdivision (a)(6)) religious institutions and organizations operated by religions institutions or organizations that give preference to members of the same religion in a real estate transaction, so long as membership in that religion is not restricted by a protected status, other than religion (previously, specified race, color, sex, national origin, handicapping condition or familial status).

Part II. Employment

Amends GS 143-422.2 to establish that it is the public policy of the State to protect and safeguard the right and opportunity of all persons to seek, obtain and hold employment without discrimination or abridgment on account of race, religion, color, national origin, age, sex, sexual orientation, gender identity, disability, marital status, familial status, military or veteran status, or genetic information (previously, only protected race, religion, color, national origin, age, sex or handicap) by employers which regularly employ one or more employees (was, 15 or more employees).

Makes conforming changes to expand employment protections to those same classes added to GS 143-422.2 by this act, to GS 126.16 (Equal opportunity for employment and compensation by State departments and agencies and local political subdivisions) and GS 126-34.02(b) (concerning the appeal process for agency employment discrimination, harassment, and retaliation issues to be heard as contested cases).

Part III. Public Accommodations

Enacts Article 49B to GS Chapter 143, Access to Public Accommodations, to be known as the Equal Access to Public Accommodations Act. Provides a legislative declaration that it is the public policy of the State to protect and safeguard the right and opportunity of all individuals within the State to enjoy fully and equally the goods, services, facilities, privileges, advantages, and accommodations of places of public accommodation free of discrimination because of race, religion, color, national origin, sex, sexual orientation, gender identity, disability, marital status, familial status, military or veteran status, or genetic information.

Establishes that it is not discrimination on the basis of sexual orientation or gender identity for a public accommodation to provide separate bathrooms or changing facilities based on gender. Mandates places of accommodation to provide access to facilities based on a person's gender identity. Defines places of public accommodation to have the same meaning as defined in GS 168A-3(8), but excludes any private club or other establishment that is not in fact open to the public.

Authorizes the Human Relations Commission (Commission) in the Department of Administration to receive, investigate, and conciliate complaints of discrimination in public accommodations, and directs the Commission to effect an amicable resolution. Provides that in the event the Commission cannot effect an amicable resolution of the charges of discrimination, the complainant and the Commission can proceed with an enforcement action in accordance with GS 41A-7 (State Fair Housing Act enforcement provisions).

IV. Credit

Enacts GS 75-43 to prohibit discrimination by any person engaged in any form of lending money in this State, or to residents of this State, in the extension of credit on the basis of race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information. Allows complainants concerning violations of this statute to file a grievance with the Human Relations Commission. Directs the Commission to effect an amicable resolution, and in the event the Commission cannot effect an amicable resolution, the complainant and the Commission can proceed with an enforcement action in accordance with GS 41A-7, as similarly provided in GS 143-422.13 enacted by this act. Makes a violation of this statute an unfair trade practice in violation of GS 75-1.1.

Part V. Insurance

Amends GS 58-3-25 to prohibit discriminatory practices by insurers because of an individual's race, color, national or ethnic origin, religion, sex, marital status, familial status, sexual orientation, gender identity, disability, military or veteran status, or genetic information (previously, only protected race, color, national or ethnic origin).

Part VI. Education

Amends GS 115C-47 to require each local board of education to adopt a policy to establish that the local board of education and school personnel employed by the local board must not discriminate on the basis of race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic

information. Requires that the policy include that any person who claims to have been injured by an unlawful discriminatory practice or who reasonably believes that he or she will be irrevocably injured by an unlawful discriminatory practice may file a complaint with the North Carolina Human Relations Commission. Requires the Commission to then work with the relevant parties to develop an amicable resolution to the charge of discrimination, and allows the complainant and the Commission to proceed with an enforcement action if the Commission is unable to effect an amicable resolution of the charges.

Enacts new GS 115C-112.10 prohibiting nonpublic schools that accepts students receiving scholarships grants from discriminating on the basis of race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information. Allows person who claim to have been injured by an unlawful discriminatory practice or believes that they will be irrevocably injured by such to file a complaint with the North Carolina Human Relations Commission. Requires the Commission to then work with the relevant parties to develop an amicable resolution to the charge of discrimination, and allows the complainant and the Commission to proceed with an enforcement action if the Commission is unable to effect an amicable resolution of the charges.

Amends GS 115C-218.45 to expand the basis on which a charter school must not limit admission to also include color, age, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information; removes creed and ancestry. Allows a charter school that serves only certain grade levels to limit admission based on age.

Amends GS 115C-218.55 to prohibit a charter school from discriminating on the basis of national origin, race, color, religion, age, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, genetic information, or disability (was, only ethnicity, national origin, gender, or disability). Allows any person who claims to have been injured by an unlawful discriminatory practice or who reasonably believes that he or she will be irrevocably injured by an unlawful discriminatory practice to file a complaint with the North Carolina Human Relations Commission. Requires the Commission to then work with the relevant parties to develop an amicable resolution to the charge of discrimination, and allows the complainant and the Commission to proceed with an enforcement action if the Commission is unable to effect an amicable resolution of the charges.

Repeals GS 115C-521.2 which required local boards of education to require every multiple occupancy bathroom or changing facility that is designated for student use to be designated for and used only by students based on their biological sex.

Amends GS 115C-562.5 to prohibit a nonpublic school from discriminating on the basis of on the basis of race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information. Allows any person who claims to have been injured by an unlawful discriminatory practice or who reasonably believes that he or she will be irrevocably injured by an unlawful discriminatory practice to file a complaint with the North Carolina Human Relations Commission. Requires the Commission to then work with the relevant parties to develop an amicable resolution to the charge of discrimination, and allows the complainant and the Commission to proceed with an enforcement action if the Commission is unable to effect an amicable resolution of the charges.

Amends GS 115D-77 to expand upon the State Board of Community Colleges and local board of trustees nondiscrimination policy to also prohibit discrimination on the basis of color, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, and genetic information. Adds that the State Board and each board of trustees must give equal opportunity for employment and compensation of personnel at community colleges without regard to marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information, in addition to the already listed categories.

Amends GS 116-11 to require the UNC Board of Governors to adopt a policy to provide that UNC and its affiliates and personnel employed by UNC and its affiliates must not discriminate on the basis of race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information. Requires that the policy include that any person who claims to have been injured by an unlawful discriminatory practice or who reasonably believes that he or she will be irrevocably injured by an unlawful discriminatory practice may file a complaint with the North Carolina Human Relations Commission. Requires the Commission to then work with the relevant parties to develop an amicable resolution to the charge of discrimination, and allows the complainant and the Commission to proceed with an enforcement action if the Commission is unable to effect an amicable resolution of the charges.

Part VII. Jury Service

Amends GS 15A-1214 to prohibit excluding a person from jury service on account of race, race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or

genetic information.

Part VIII.

The act is effective July 1, 2019.

Intro. by Waddell, Searcy, Woodard.

[GS 15A, GS 41A, GS 58, GS 75, GS 115C, GS 115D, GS 116, GS 126, GS 143](#)

[View summary](#)

[Business and Commerce, Insurance, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Education, Elementary and Secondary Education, Higher Education, Employment and Retirement, Government, State Agencies, Community Colleges System Office, UNC System](#)

S 456 (2019-2020) [MATCHING FUNDS FOR AFFORDABLE HOUSING](#). Filed Apr 1 2019, *AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO BE USED ON A MATCHING BASIS WITH PRIVATE DONORS FOR THE PLANNING AND CONSTRUCTION OF AFFORDABLE HOUSING IN THE STATE.*

Includes whereas clauses.

Appropriates \$2.5 million from the General Fund to the Department of Commerce (Department) for each the 2019-20 and 2020-21 fiscal years to be used to provide matching grants to nonprofits to fund the planning and construction of affordable housing projects in the State. Directs the Department to require nonprofits to match grant funds received at a 1:1 ratio. Requires the Department to develop guidelines and procedures for grant administration and distribution. Requires the Department to disburse grant funds to nonprofits equal to the amount of non-State matching funds the nonprofit has obtained, upon submission of satisfactory documentation, which can be on a monthly basis until the total amount awarded to the nonprofit grantee has been disbursed. Requires reversion of unmatched funds on June 30, 2021.

Directs the Department on or before May 1, 2020, and on or before May 1, 2021, to report to the specified NCGA committee and division on the grant program, including details of the number of grants issued, the grant recipients, the specific areas where funds were allocated, and the number of affordable housing units developed as a result of the grant program.

Effective July 1, 2019.

Intro. by Blue.

[APPROP](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing, Government, Budget/Appropriations, State Agencies, Department of Commerce](#)

S 457 (2019-2020) [FUNDS FOR NATIONAL GUARD](#). Filed Apr 1 2019, *AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE NORTH CAROLINA NATIONAL GUARD.*

Section 1

Appropriates \$1,893,481 from the General Fund to the Department of Public Safety, NC National Guard (National Guard), in recurring funds for the 2019-20 and 2020-21 fiscal years. Allocates the funds in specified amounts to the NC Tuition Assistance Program; to the Tarheel Challenge to meet staffing, facility, and operation requirements per Federal/State Cooperative Agreement; for State match for the positions of Engineering Supervisor I, HVAC Supervisor - Shop Supervisor, and Program Director, State CFMO, as identified; and for maintenance, repair, and replacement of personal protective equipment purchased with funds appropriated by Section 2 of the act.

Section 2

Appropriates \$2,545,000 from the General Fund to the National Guard in nonrecurring for the 2019-20 fiscal year. Allocates the funds in specified amounts for the purchase of 800 sets of personal protective equipment; for high-frequency commercial off-the-shelf radios for specified two-way over the horizon communication; and for live tracking devices to increase shared situational awareness during State Active Duty missions.

Section 3

Provides that the act becomes effective July 1, 2019.

Intro. by Burgin.

APPROP

[View summary](#)

**Government, Budget/Appropriations, State Agencies,
Department of Public Safety, Military and Veteran's Affairs**

S 458 (2019-2020) **ESTABLISH POSTTRAUMATIC STRESS INJURY DAY**. Filed Apr 1 2019, *AN ACT DESIGNATING POSTTRAUMATIC STRESS INJURY AWARENESS DAY IN NORTH CAROLINA*.

Includes whereas clauses.

Enacts GS 103-15 to designate June 27 as title indicates.

Intro. by Brown, J. Jackson, Burgin.

GS 103

[View summary](#)

**Government, Cultural Resources and Museums, Health and
Human Services, Health**

S 459 (2019-2020) **NC PROMISE TUITION MODIFICATIONS**. Filed Apr 1 2019, *AN ACT TO AMEND THE NC PROMISE TUITION PLAN TO PROVIDE THAT ELIZABETH CITY STATE UNIVERSITY, THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE, AND WESTERN CAROLINA UNIVERSITY SHALL CONTINUE TO SET TUITION RATES IN THE SAME MANNER AS ALL OTHER CONSTITUENT INSTITUTIONS; THAT THE STATE SHALL "BUY DOWN" THE TUITION RATES SO THAT RESIDENT STUDENTS PAY FIVE HUNDRED DOLLARS AND NONRESIDENT STUDENTS PAY TWO THOUSAND FIVE HUNDRED DOLLARS; AND THAT THE BOARD OF GOVERNORS SHALL MONITOR THE SOLVENCY OF EACH CONSTITUENT INSTITUTION, AND IF THE BOARD FINDS THAT A CONSTITUENT INSTITUTION MAY INCUR UNSUSTAINABLE LOSSES, THE BOARD SHALL TAKE APPROPRIATE ACTION TO PROTECT THE SOLVENCY OF THE INSTITUTION, WHICH MAY INCLUDE AN INCREASE IN THE AMOUNT OF THE STUDENT PAYMENTS AT THE CONSTITUENT INSTITUTION*.

Amends GS 116-143.11 by amending the calculation of undergraduate tuition under the NC Promise Tuition Plan to require that that UNC Board of Governors (BOG), as provided in GS 116-143 and GS 116-11(7) and in consultation with the trustees of Elizabeth City State University, the University of North Carolina at Pembroke, and Western Carolina University set the tuition rate for those schools. Requires, however, beginning with the 2019-20 fiscal year and the 2019 fall academic semester, that the BOG establish student amounts as a portion of the rate of tuition for each academic year in which sufficient state funds are available in accordance with the following (1) for students deemed to be in-state residents for tuition purposes, the student payment is \$500 per semester; (2) for nonresident students, the student payment is \$2,500 per academic semester. Requires that those schools, within available state funds, receive a buy down of the amount remaining after the student payment amount is subtracted from the total undergraduate tuition rate established by the BOG. Requires the BOG to monitor the implementation and operation of the NC Promise Tuition Plan at the three schools and if it finds that any of the institutions may incur unsustainable losses and state funds for the buy down are insufficient, requires the BOG to take appropriate action to enable the institution to meet its financial obligations. Provides that for an academic year in which the BOG finds the solvency of a constituent institution is jeopardized and that a buy down with state funds will be insufficient, the BOG must propose an increase in the student payments and requires notifications to the institutions by April 1 and to the NCGA by May 1 of the proposed amount of the increase. Amends the reporting requirement by no longer requiring a report of any financial obligation

resulting from the established tuition rate incurred at each institution and instead requires a report on the amount paid to each constituent institution as a buy down as a result of the established student payments. Also requires reporting of actions taken by the BOG if a constituent institution incurs unsustainable losses, as well as the findings of the BOG that the solvency of a constituent institution is jeopardized and the amount of an increase of student payments at the constituent institution. Makes the first report due in 2019 instead of 2018.

Intro. by D. Davis.

[GS 116](#)

[View summary](#)

[Education, Higher Education, Government, State Agencies, UNC System](#)

S 460 (2019-2020) [PERFORMANCE/PROFESSORS AS K-12 TEACHERS](#). Filed Apr 1 2019, *AN ACT TO REQUIRE A LOCAL BOARD OF EDUCATION TO VERIFY THAT ANY ADJUNCT INSTRUCTOR THAT THE LOCAL BOARD CONTRACTS WITH SHALL NOT HAVE RECEIVED UNSATISFACTORY PERFORMANCE EVALUATIONS FROM HIS OR HER OTHER EMPLOYERS WITHIN ONE YEAR OF THE CONTRACT AND TO REQUIRE PERFORMANCE EVALUATIONS DURING THE TERM OF THE CONTRACT TO ENSURE THE INSTRUCTOR MEETS SATISFACTORY PERFORMANCE STANDARDS.*

Amends GS 115C-157.1 by adding the requirement that the criteria established by the State Board of Education related to hiring an adjunct instructor to also include a requirement that the instructor not have received unsatisfactory performance evaluations from any other employers during the year prior to a contract and that the local board of education retain documentation of any prior evaluations. Adds to the requirements to be met when a local board of education contracts with an adjunct instruction to require an observation and evaluation of the adjunct instructor during the term of the contract; requires the instructor to meet and maintain satisfactory performance standards as a condition of the contract.

Adds the same requirements to GS 115C-298.5, which applies when contracting as an adjunct instructor in specific core academic subjects in grades K-12.

Intro. by D. Davis, Ballard.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

S 461 (2019-2020) [CERTIFICATION OF AUTO CTE/STATE BD. POLICY](#). Filed Apr 1 2019, *AN ACT TO DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO ASSIST LOCAL SCHOOL ADMINISTRATIVE UNITS WITH NATIONAL ACCREDITATION REQUIREMENTS OF CAREER AND TECHNICAL EDUCATION PROGRAMS AND TO REQUIRE THE STATE BOARD OF EDUCATION TO LIMIT THE ACCREDITATION OF CAREER AND TECHNICAL EDUCATION AUTOMOTIVE PROGRAMS TO THE EXTENT ACCREDITATION IS REQUIRED BY FEDERAL LAW.*

Amends GS 115C-154.1 as the title indicates.

Directs the State Board of Education to make any necessary revisions to the North Carolina State plan submitted to the US Department of Education, reflecting the requirements of the act for the purposes of complying with federal grant requirements. Requires the revisions to be submitted during the next eligible period for annual revisions on or after the date that the act becomes law.

Applies beginning with the 2020-21 school year.

Intro. by D. Davis, Ballard.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, State Board of Education](#)

S 462 (2019-2020) **MODIFICATIONS TO NC APPRAISAL BOARD**. Filed Apr 1 2019, *AN ACT TO REPLACE NORTH CAROLINA EDUCATION REQUIREMENTS TO BECOME A LICENSED OR CERTIFIED APPRAISER WITH THE REQUIREMENTS OF THE APPRAISAL FOUNDATION APPRAISER QUALIFICATIONS BOARD AND TO ALLOW THE NORTH CAROLINA APPRAISAL BOARD TO COLLECT NEW FEES AND TO MAKE OTHER MODIFICATIONS THAT WOULD ALLOW NORTH CAROLINA APPRAISAL MANAGEMENT COMPANIES TO BE PLACED ON THE APPRAISAL MANAGEMENT COMPANY NATIONAL REGISTRY.*

Amends GS 93E-1-6, concerning the qualifications for licensure and certification as a real estate appraiser. Eliminates the existing education requirements for registration as a trainee, application for licensure as a licensed real estate appraiser, application for certification as a certified residential real estate appraiser, and application for certification as a certified general real estate appraiser. Instead, requires each applicant for registration, licensure, or certification to (1) successfully complete education, experience, and examination as required by The Appraisal Foundation Appraiser Qualifications Board for each level of registration, licensure, or certification, and (2) satisfy any additional education or experience requirements the NC Appraisal Board (Board) imposes by rule. Requires the applicant to pay the fee for the required competency examination directly to the private testing service rather than to the Board to defray the cost of testing administered by private service. Eliminates the requirement for each applicant for licensure or certification as a real estate appraiser to pass a competency examination. Adds that action will be deferred pending a hearing before the Board for any applicant that has not affirmatively demonstrated satisfaction of the requirements for licensure (previously, only applies registration and certification). Makes conforming changes.

Amends GS 93E-1-9, removing provisions concerning nonresident real estate trainee registration. Authorizes the Board to undertake to license or certify on a reciprocal basis persons licensed or certified in another state if the appraiser licensing and certification program of the other state is in compliance with 12 USC 3331, et seq. (regarding the Appraisal Subcommittee of Federal Financial Institutions Examinations Council [Appraisal Subcommittee]; previously required the Board to deem the person to possess qualifications equivalent to NC resident licensed or certified real estate appraisers).

Enacts GS 93E-2-6, requiring the Board to collect from registrants any additional fees required pursuant to 12 USC 3338 (Roster of State certified or licensed appraisers; authority to collect and transmit fees) to render NC registered appraisal management companies eligible to perform services in connection with federally related transactions. Directs the Board to remit the additional fees to the Appraisal Management Company (AMC) National Registry of the Appraisal Subcommittee. Further authorizes the Board to collect a fee from an appraisal management company that is a subsidiary wholly owned and controlled by a financial institution in order to be eligible to be placed on the AMC National Registry.

The above provisions apply to registrations, licensures, and certifications issued on or after October 1, 2019.

Amends GS 93E-2-7, prohibiting an appraisal management company from requiring or attempting to require an appraiser to prepare an appraisal if the appraiser might have a direct or indirect interest in the property or transaction involved. Prohibits any appraisal management company procuring or facilitating an appraisal in connection with a consumer credit transaction secured by the principal dwelling of a consumer to have a direct or indirect interest in the property or transaction involved.

Intro. by Burgin, McInnis, Wells.

GS 93E

[View summary](#)

Business and Commerce, Occupational Licensing

ACTIONS ON BILLS

PUBLIC BILLS

H 62: IN-STATE TUITION/MEMBERS SERVED ON USS NC.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 77: ELECTRIC STANDUP SCOOTERS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 107: PED OVERSIGHT/EPP CHANGES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 119: FEES TO CERTIFY AS A COMPANY POLICE AGENCY.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 131: REPEAL MAP ACT.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 184: STUDY STATE HEALTH PLAN DESIGN.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 262: DESIGNATE TRANSYLVANIA CTY LAND OF WATERFALLS. (NEW)

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 263: FILL VACANCIES/MODIFY 2018 APPOINTMENTS.

House: Withdrawn From Com

House: Placed On Cal For 04/03/2019

House: Placed On Cal For 04/03/2019

H 308: EXPAND AGRICULTURAL OUTDOOR ADVERTISING.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 315: INSTRUCTIONAL MATERIAL SELECTION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 329: EXEMPT EV STATIONS/PUBLIC UTILITIES REGS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 330: EFFICIENT GOVERNMENT BUILDINGS & SAVINGS ACT.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 331: SMALL HYDRO AMENDS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 370: REQUIRE SHERIFF COOPERATION WITH ICE.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 376: CJIN CHANGES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 377: REDUCE TESTING.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 412: ADOPT STATE POULTRY FESTIVAL.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 505: SE RALEIGH YMCA FUNDS.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Appropriations, General Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 506: CONFIRM STEVE WARREN/SPECIAL SUP. CT JUDGE.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 507: ANIMAL FIGHTS/CRIMINALIZE ATTENDANCE OF MINOR.

House: Passed 1st Reading

House: Ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

H 508: FIREARM SAFE STORAGE AWARENESS INITIATIVE.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Appropriations, Health and Human Services, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 510: REENACT NONPARTISAN JUDICIAL ELECTIONS/FUND.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 511: NC NATIONAL GUARD/COURTS-MARTIAL.

House: Passed 1st Reading

House: Ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

H 512: "WE THE PEOPLE" ACT/REFERENDUM.

House: Passed 1st Reading

House: Ref to the Com on Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House

H 513: EFFICIENT AND AFFORDABLE ENERGY RATES.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 514: EQUALITY FOR ALL.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 515: FULL REPEAL OF HB2.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 516: MENTAL HEALTH PROTECTION ACT.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House

H 520: FIREFIGHTERS FIGHTING CANCER ACT.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 521: PROVISIONAL LICENSE/TEACHER FROM OTHER STATE.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 522: STUDY OUTSIDE WATER RATES.

House: Passed 1st Reading

House: Ref to the Com on Energy and Public Utilities, if favorable, Rules, Calendar, and Operations of the House

H 523: NC SERVICEMEMBERS CIVIL RELIEF ACT.

House: Passed 1st Reading

House: Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 524: ADDITIONAL FUNDS FOR SCHOOL NURSES.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Appropriations, Education, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 526: REINSTATE MTN ISLAND LAKE MARINE COMMISSION.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 529: UTILITIES/WATER AND WASTEWATER CONSUMPTION.

House: Passed 1st Reading

House: Ref to the Com on Energy and Public Utilities, if favorable, Rules, Calendar, and Operations of the House

H 530: OFFICIAL NC DOGWOOD FESTIVAL.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 531: PROTECT. TENANTS AT FORECLOSURE ACT RESTORED.

House: Filed

H 532: DNCR ADD NEW TRAILS & VARIOUS CHANGES.

House: Filed

S 95: VETERANS MEMORIAL FUNDS/DO NOT REVERT.

House: Passed 1st Reading

House: Ref to the Com on Energy and Public Utilities, if favorable, Appropriations, General Government, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

S 162: LOAN ORIGATION/LATE PAYMENT CHARGE CHANGES.

Senate: Signed by Gov. 4/1/2019

Senate: Ch. SL 2019-10

S 191: OUT-OF-STATE LAW ENFORCEMENT/2020 REP CONVTN.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 202: DMV/HIGH-RISK DRIVING BEHAVIORS.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

S 217: CORRECT PROSECUTORIAL DISTRICT NUMBERS.

House: Passed 1st Reading

House: Ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

S 225: REPEAL TUITION SURCHARGE.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 230: EXCUSED ABSENCES FOR MILITARY CHILDREN.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 231: STUDY MILITARY ECONOMIC ZONES.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 239: CHILDREN OF WARTIME VETS/SCHOLARSHIPS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 399: REHIRE HIGH-NEED TEACHERS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 400: MODIFY TEACHING FELLOWS/CC REQUIREMENT.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 401: REQUIRE ELIMINATION OF VACANT POSITIONS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 402: MODERNIZING SEXUAL ASSAULT LAWS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 403: STATE AND LOCAL GOVERNMENT PENSION/PED STUDY.*Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 404: NORTH CAROLINA FIRST STEP ACT.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 405: ESTABLISH DUTY TO REPORT & RENDER ASSISTANCE.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 406: LIMIT CONDITIONAL ZONING.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 407: FUNDS TO AID JAILS WITH ADDICTION TREATMENT.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 408: PENSIONS BENEFITS REVISION.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 409: STUDY NC VETERANS REGISTRY.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 410: PRETRIAL SERVICES-GRANTS PROGRAM.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 411: REQUIRE INSTRUCTION ON SAMARITAN LAWS.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 412: MODIFY SCHOOL QUAL./STUDENT SUCCESS INDICATOR.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 413: RAISE THE AGE MODIFICATIONS.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 414: INCREASE ALLOWED ANNUAL FEES OF STATE BAR.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 415: GRAND JURY IF LEO CHARGED PERFORMING DUTIES.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 416: RECRUIT/RETAIN VOL. FIREFIGHTERS.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate*

S 417: NC NATIONAL GUARD/COURTS-MARTIAL.*Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 418: THE I. BEVERLY LAKE, JR., FAIR TRIAL ACT.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 419: LOSS PREVENTION PROFESSIONALS MAY INVESTIGATE.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 420: NC SERVICEMEMBERS CIVIL RELIEF ACT.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 421: FUNDS FOR NC SENIOR GAMES.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 422: PLANNING/DEVELOPMENT CHANGES.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 423: NORTH CAROLINA ANIMAL ABUSER REGISTRY ACT.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 424: FULLY FUND SCHOOL COUNSELORS & PSYCHOLOGISTS.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 425: CLARIFY DNA RESULT WOULD HAVE CHANGED VERDICT.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 426: MENTAL HEALTH PROTECTION ACT.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 427: SMART START FUNDS.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 428: FUNDS FOR SENIOR TAR HEEL LEGISLATURE.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 429: UTILITIES/WATER AND WASTEWATER CONSUMPTION.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 430: HEALTH INSURANCE PROVIDER PAYMENT STABILITY.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate*

S 431: PROVIDER CREDENTIALING/REIMBURSEMENT.*Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 432: MINI-TRUCK CLASSIFICATION.***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 433: DNCR OMNIBUS.-AB***Senate: Passed 1st Reading**Senate: RefTo Com On Rules and Operations of the Senate***S 434: MERGER OF CERTAIN SEWERAGE DISTRICTS.***Senate: Filed***S 435: NEED-BASED SCHOLARSHIPS/VIRTUAL INSTITUTION.***Senate: Filed***S 436: VARIOUS HIGHER EDUCATION CHANGES.-AB***Senate: Filed***S 437: NC COMPLETES COLLEGE/COMPETITIVE WORKFORCE.***Senate: Filed***S 438: EXCELLENT PUBLIC SCHOOLS ACT OF 2019.***Senate: Filed***S 439: PED STUDY - DPS/HEALTH SERVICES/FUNDS FOR FTE.***Senate: Filed***S 440: BODY ART REGULATION CHANGES.***Senate: Filed***S 441: JACKSON COUNTY/TROUT CAPITAL OF NC.***Senate: Filed***S 442: DRUG TRAFFICKING/JUDICIAL DISCRETION & STUDY.***Senate: Filed***S 443: WAIVER/PROHIBIT CERTAIN FOODS/SNAP.***Senate: Filed***S 444: ALLOW USE OF OYSTER SHELLS AS SERVING DISHES.***Senate: Filed***S 445: DOT JUST COMPENSATION INTEREST RATE.***Senate: Filed***S 446: ELECTRIC/HYBRID VEHICLE REGISTRATION FEES.***Senate: Filed***S 447: DISASTER RESILIENCY/EMERGENCY MANAGEMENT.***Senate: Filed***S 448: AMEND APPT FOR COMPACT ON EDUCATION/MILITARY.**

Senate: Filed

S 449: SHRA/CERTAIN AGENCIES/FLEXIBILITY.

Senate: Filed

S 450: STUDY STATEWIDE YEAR-ROUND SCHOOL CALENDAR.

Senate: Filed

S 451: FUNDS FOR SOS TO OFFSET LEASE.

Senate: Filed

S 452: 2019 GOVERNOR'S BUDGET.

Senate: Filed

S 453: ELIGIBILITY REFORM/SNAP.

Senate: Filed

S 454: MILL MACHINERY EXISTING LAW CLARIFICATION.

Senate: Filed

S 455: EQUALITY FOR ALL.

Senate: Filed

S 456: MATCHING FUNDS FOR AFFORDABLE HOUSING.

Senate: Filed

S 457: FUNDS FOR NATIONAL GUARD.

Senate: Filed

S 458: ESTABLISH POSTTRAUMATIC STRESS INJURY DAY.

Senate: Filed

S 459: NC PROMISE TUITION MODIFICATIONS.

Senate: Filed

S 460: PERFORMANCE/PROFESSORS AS K-12 TEACHERS.

Senate: Filed

S 461: CERTIFICATION OF AUTO CTE/STATE BD. POLICY.

Senate: Filed

S 462: MODIFICATIONS TO NC APPRAISAL BOARD.

Senate: Filed

LOCAL BILLS

H 170: ASHEBORO SATELLITE ANNEXATIONS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 171: CHINA GROVE SATELLITE ANNEXATIONS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 285: CITY OF SANFORD/VOLUNTARY ANNEXATIONS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/03/2019

H 502: DELAY DECERTIF/VOTING MACHINES/CERTAIN COS.

House: Passed 1st Reading

House: Ref to the Com on Elections and Ethics Law, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 503: STAGGER TERMS/COUNTY COMMISSIONERS/WAKE CO.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 504: WAKE CO. BD. OF ED./STAGGER TERMS/DISTRICTS.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 509: AMEND WINSTON-SALEM CHARTER/TIME OF ELECTION.

House: Passed 1st Reading

House: Ref to the Com on Elections and Ethics Law, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 517: STOKES CO. BD. ED./REQUESTED ELECTION CHANGES.

House: Passed 1st Reading

House: Ref to the Com on Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House

H 518: COUNTY COMMISSIONERS APPROVAL FOR ASSIGNMENT.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 519: REVISE W-S CHARTER/ELECTIONS/REDISTRICTING.

House: Passed 1st Reading

House: Ref to the Com on Redistricting, if favorable, Rules, Calendar, and Operations of the House

H 525: SCHOOL ASSIGNMENT WITHIN SURRY COUNTY.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 527: MECKLENBURG CTY/PUBLIC-PRIVATE AGREEMENTS.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 528: INDIAN TRAIL/STALLINGS OCCUPANCY TAX AUTH.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

S 186: BEAUFORT-MOREHEAD CTY AIRPORT AUTHORITY/AMEND.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 235: FRANKLIN/NASH MUNICIPALITIES/UNFIT DWELLINGS. (NEW)

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 242: RECREATIONAL LAND FEE CHANGES.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

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