## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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## SENATE BILL 1236\*

	Short Title:	Annexing Low-Income Areas.	(Public)	
	Sponsors:	Senator Jones.		
	Referred to:	Rules and Operations of the Senate.		
	May 19, 2010			
1	A BILL TO BE ENTITLED			
2	AN ACT T		R VOLUNTARY AND INVOLUNTARY	
3		-	LOW-INCOME COMMUNITIES, AS	
4	RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON			
5	POVERTY REDUCTION AND ECONOMIC RECOVERY.			
6	The General Assembly of North Carolina enacts:			
7	SECTION 1. G.S. 160A-31 reads as rewritten:			
8		Annexation by petition.		
9			bality may annex by ordinance any area	
10	•	1 1	he governing board of a petition signed by	
11			ch area. The petition shall be signed by each	
12		property in the area and shall contain		
13	(b) Th	ne petition shall be prepared in substan		
14	T de s	(and the second se	DATE:	
15 16	To the	(name of govern	ing board) of the (City or Town) of	
17	1 We the	undersigned owners of real property	respectfully request that the area described	
18		2 below be annexed to the (City or To		
19	2. The area to be annexed is contiguous to the (City or Town) of and the			
20	boundaries of such territory are as follows:			
21		•	ections (a) and (b) of this section, if fifty	
22			a petitioning for annexation pursuant to this	
23			ent (200%) or less than the most recently	
24		_	thresholds, the governing board of any	
25	municipality	shall annex by ordinance any area one	-eighth of the aggregate external boundaries	
26	of which are	contiguous to its boundaries upon pres	entation to the governing board of a petition	
27	signed by the	e owners of at least seventy-five perce	ent (75%) of the parcels of real property in	
28	<u>that area.</u>			
29		-	is section shall be prepared in substantially	
30	the following	form:		
31	DATE:			
32	To the	(name of	governing board) of the (City or Town) of	
33		<u> </u>	1 . 1 11	
34 25	1.		eal property believe that the area described $\frac{160A}{21(h1)}$ and managetfully request that	
35 26	in paragraph 2 below meets the requirements of G.S. 160A-31(b1) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of			
36 37	<u>uie area de</u>	sended in paragraph 2 below b	e annexed to the (City or Town) of	
51		•		



1	2. The area to be annexed is contiguous to the (City or Town) of			
2	and the boundaries of such territory are as follows:			
3	(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of			
4	the municipality to investigate the sufficiency thereof and to certify the result of his			
5	investigation. Upon receipt of the certification, the municipal governing board shall fix a date			
6	for a public hearing on the question of annexation, and shall cause notice of the public hearing			
7	to be published once in a newspaper having general circulation in the municipality at least 10			
8	days prior to the date of the public hearing; provided, if there be no such paper, the governing			
9	board shall have notices posted in three or more public places within the area to be annexed and			
10	three or more public places within the municipality.			
11	(d) At the public hearing all persons owning property in the area to be annexed who			
12	allege an error in the petition shall be given an opportunity to be heard, as well as residents of			
13	the municipality who question the necessity for annexation. The governing board shall then			
14	determine whether the petition meets the requirements of this section. Upon a finding that the			
15	petition meets the requirements of this section, the governing board shall have authority to pass			
16	an ordinance annexing the territory described in the petition. The governing board shall hav			
17	authority to make the annexing ordinance effective immediately or on any specified date within			
18	six months from the date of passage of the ordinance.			
19	(e) From and after the effective date of the annexation ordinance, the territory and			
20	citizens and property shall be subject to all debts, laws, ordinances and regulations in force			
21	such municipality and shall be entitled to the same privileges and benefits as other parts of suc			
22	municipality. Real and personal property in the newly annexed territory on the January			
23	immediately preceding the beginning of the fiscal year in which the annexation becomes			
24	effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of			
25	annexation falls between June 1 and June 30, and the effective date of the privilege license tax			
26	ordinance of the annexing municipality is June 1, then businesses in the area to be annexed			
27	shall be liable for taxes imposed in such ordinance from and after the effective date of			
28	annexation.			
29	(f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the			
30	petition is submitted, such area either abuts directly on the municipal boundary or is separated			
31	from the municipal boundary by a street or street right-of-way, a creek or river, or the			
32	right-of-way of a railroad or other public service corporation, lands owned by the municipality			
33	or some other political subdivision, or lands owned by the State of North Carolina. In			
34	describing the area to be annexed in the annexation ordinance, the municipal governing board			
35	may include within the description any territory described in this subsection which separates			
36	the municipal boundary from the area petitioning for annexation.			
37 38	(g) The governing board may initiate annexation of contiguous property owned by the municipality by adopting a resolution stating its intent to appay the property, in lieu of filing a			
38 39	municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a patition. The resolution shall contain an adequate description of the property state that the			
39 40	petition. The resolution shall contain an adequate description of the property, state that the			
40 41	property is contiguous to the municipal boundaries and fix a date for a public hearing on the question of approximation. Notice of the public hearing shall be published as provided in			
42	question of annexation. Notice of the public hearing shall be published as provided in subsection (a) of this section. The governing heard may hold the public hearing and adopt the			
42 43	subsection (c) of this section. The governing board may hold the public hearing and adopt the annexation ordinance as provided in subsection (d) of this section.			
43 44	(h) A city council which receives a petition for annexation under this section may by			
44 45	ordinance require that the petitioners file a signed statement declaring whether or not vested			
45 46	rights with respect to the properties subject to the petition have been established under			
40 47	G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been			
48	established, the city may require petitioners to provide proof of such rights. A statement which			
49	declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1			
<del>5</del> 0	shall be binding on the landowner and any such vested right shall be terminated.			
20	shan ee emang on the fandowner and any such vested fight shan oe terminated.			

General Assembly of North Carolina

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## **General Assembly of North Carolina** Session 2009 For purposes of determining whether the percentage of households in the area 1 (i) 2 petitioning for annexation meets the poverty thresholds under subsection (b1) of this section, 3 the petitioners shall submit to the municipal governing board any reasonable evidence that 4 demonstrates the area in fact meets the income requirements of that subsection. The evidence presented may include data from the most recent federal decennial census, other official census 5 documents, signed affidavits by at least one adult resident of the household attesting to the 6 7 household size and income level, or any other documentation verifying the incomes for a 8 majority of the households within the petitioning area. Petitioners may select to submit name, 9 address, and social security number to the clerk, who shall in turn submit the information to the Department of Revenue. Such information shall be kept confidential and is not a public record. 10 The Department shall provide the municipality with a summary report of income for 11 households in the petitioning area. Information for the report shall be gleaned from income tax 12 13 returns, but the report submitted to the municipality shall not identify individuals or 14 households." 15 **SECTION 2.(a)** G.S. 160A-36(a) reads as rewritten: A municipal governing board may extend the municipal corporate limits to include 16 "(a) 17 any area which meets the general standards of subsection (b), and which meets the 18 requirements of subsection (c).(c), or that is completely surrounded by the municipality's 19 primary corporate limits." 20 **SECTION 2.(b)** G.S. 160A-48(a) reads as rewritten: 21 "(a) A municipal governing board may extend the municipal corporate limits to include 22 any area that complies with all of the following: 23 Which meets the The area meets the general standards of subsection (b), (1)24 and(b) of this section. 25 Every part of which the area meets the requirements of either subsection (c) (2)26 or subsection (d).complies with all of the following: 27 Meets the requirements of subsection (c) of this section. a. 28 Meets the requirements of subsection (d) of this section. b. 29 Is completely surrounded by the municipality's primary corporate c. 30 limits." SECTION 3. G.S. 143B-437.04(a) reads as rewritten: 31 32 The Department of Commerce shall adopt guidelines for the awarding of "(a) 33 Community Development Block Grants to ensure that: 34 No local match is required for grants awarded for projects located in (1)35 counties that have one of the 25 highest rankings under G.S. 143B-437.08 or 36 counties that have a population of less than 50,000 and more than nineteen 37 percent (19%) of its population below the federal poverty level according to 38 the most recent federal decennial census. 39 To the extent practicable, priority consideration for grants is given to (2)40 projects located in counties that have met the conditions of subdivision 41 (a)(1) of this section or in urban progress zones that have met the conditions 42 of subsection (b) of this section. 43 (3)Priority consideration is given to projects located in areas annexed by a 44 municipality under Article 4A of Chapter 160A of the General Statutes in order to provide water or sewer services to low-income residents." 45 SECTION 4. This act becomes effective October 1, 2010, and applies to 46 47 annexations for which a resolution of intent has been adopted under Part 2 or Part 3 of Article 48 4A of Chapter 160A of the General Statutes on or after that date and to annexation for which a 49 petition has been received under Part 1 or Part 4 of Article 4A of Chapter 160A of the General

50 Statutes on or after that date.