

Local Government

See full summary documents for additional detail

H308 - Regulatory Reform Act of 2020.

Sec. 9: Extend Right to Work Authorization for State and Local Government Retirees During the COVID-19 Emergency. (SL 2020-74)

Section 9 of S.L. 2020-74 extended the expiration date of a temporary provision concerning the retirement system from August 1, 2020 to August 31, 2020.

This section became effective July 1, 2020.

H308 - Regulatory Reform Act of 2020.

Sec. 31: Clarification Regarding Submission of Certain Component Designs or Proposals. (SL 2020-74)

Section 31 of S.L. 2020-74 requires the design or proposal for a component or element in the construction of buildings be completed under valid seal of an architect or engineer only when required by the North Carolina State Building Code.

This section became effective July 1, 2020.

H1043 - 2020 COVID-19 Recovery Act.

Sec. 2.3: Establishment of Local Government Coronavirus Relief Reserve. (SL 2020-4)

Sec. 2.3 of S.L. 2020-4, as amended by Sec. 1.1.(a) of S.L. 2020-80, and Sec. 1.1.(c) of S.L. 2020-97, does all of the following:

- Establishes a Local Government Coronavirus Relief Reserve (Local Reserve) in the General Fund to maintain certain federal funds transferred from the Coronavirus Relief Reserve (Reserve) eligible to mitigate the impact of COVID 19 on the revenue of North Carolina local governments.
- Transfers the sum of three hundred million dollars (\$300,000,000) from the Reserve to the Local Reserve.
- Transfers interest earned on funds held in the Local Reserve to the Coronavirus Relief Fund.

This section became effective May 4, 2020.

H1105 - Coronavirus Relief Act 3.0.

Sec. 3.21: Reextend Certain Local Government Approvals Affecting the Development of Real Property Within the State. (SL 2020-97)

Section 3.21 of S.L. 2020-97 provides that for any development approval that is current and valid at any point from September 2, 2020, and ending 30 days after Executive Order No. 116 is rescinded, the

expiration date of the period of the development approval and any associated vested right is automatically extended 120 days from the expiration date. For any development approval that is extended, the holder of the development approval must do all of the following:

- Comply with all applicable laws and policies in effect at the time the development approval was originally issued.
- Maintain all performance guarantees that are imposed as a condition of the initial development approval for the duration of the period the development approval is extended or until affirmatively released from that obligation by the governmental entity.
- Complete any necessary infrastructure to obtain a certificate of occupancy or other final permit approval by the governmental entity.

Failure to comply with any condition in this section may result in termination of the extension of the development approval. Termination of an extension of a development approval may be appealed to the Board of Adjustment if the development approval was issued by a unit of local government with planning authority.

This section became effective September 4, 2020, and expires 30 days after Executive Order No. 116 is rescinded.

S681 - Agency Policy Directives/2019-2020.

Sec. 12.4: Public Safety Answering Point Funding Changes. (SL 2020-78)

Sec. 12.4 of S.L. 2020-78, does all of the following:

- Authorizes the distribution of 911 Funds to a city or county operating a public safety answering point (PSAP) to pay the costs to comply with an intergovernmental support agreement with a major military installation requiring the city or county and that major military installation to serve as a back-up PSAP or secondary PSAP for each other's 911 system.
- For purposes of the 911 funding formula, it requires the 911 Board to:
- Include the population of a major military installation operating a PSAP in the population count of any PSAP operated by a city or county that is a party to an intergovernmental support agreement with that major military installation.
- Treat an intergovernmental support agreement between a city or county operating a PSAP, and a major military installation operating a PSAP, as an interlocal agreement.

This section became effective July 1, 2020 and applies to distributions for the 2020-2021 fiscal year and subsequent fiscal years.

S704 - COVID-19 Recovery Act.

Sec. 4.27: Clarify "Available for Public Inspection" / Local Government Budget Process. (SL 2020-3)

Sec. 4.27 of S.L. 2020-3, does all of the following:

- Requires the budget officer of a unit of local government to file a copy of the unit's proposed budget directly with the clerk to the unit's governing board.

- Authorizes the clerk to post a copy of the proposed budget on the Web site of the unit of local government and requires the clerk to make the proposed budget available for public inspection.

This section became effective May 4, 2020, and expired on August 1, 2020.

S704 - COVID-19 Recovery Act.

Sec. 4.28: Daily Deposit Requirement Under The Local Government Budget And Fiscal Control Act. (SL 2020-3)

Section 4.28 of S.L. 2020-3 permits the Secretary of the Local Government Commission to set the amount of money local governments keep on hand that require daily deposit during a declared emergency. This section authorizes the Secretary to allow less than daily but no fewer than weekly deposits provided the money is maintained in a secure location.

This section became effective May 4, 2020.

S704 - COVID-19 Recovery Act.

Sec. 4.29: Local Government Commission Revisions. (SL 2020-3)

Section 4.29 of S.L. 2020-3 requires local finance officers to submit statements of financial information concerning COVID-19 impacts on local finances to the Local Government Commission (LGC) by February 15, 2021. The section requires the LGC to submit a report of this financial information and any recommended legislation to the Joint Legislative Committee on General Government and the Fiscal Research Division by March 15, 2021.

The section became effective May 4, 2020. The provisions addressing the COVID-19 financial information expire February 15, 2021, and the provision addressing the LGC report expires March 15, 2021.

S704 - COVID-19 Recovery Act .

Sec. 4.30: Reinstate Special Obligation Bonds. (SL 2020-3)

Section 4.30 of S.L. 2020-3 reauthorizes counties and municipalities to issue special obligation bonds and notes. Former Chapter 159I of the General Statutes primarily concerned solid waste management program funding; however, one section of the Chapter, G.S. 159I-30, more broadly authorized counties and municipalities to issue special obligation bonds and notes not only for solid waste projects, but also for water projects, wastewater projects, and, for municipalities, any project authorized under G.S. 160A-536 provided in a municipal service district. Session Law 2019-32 repealed Chapter 159I in its entirety, effective July 1, 2019, inadvertently eliminating the broader special obligation bond authority used by local units of government for a variety of the authorized purposes. Section 4.30(a) reinstates this authority and recodifies it under Chapter 159, where other forms of local government indebtedness are authorized. Sections 4.30(b)-(h) make conforming changes to statutes affected by the recodification.

This section became effective retroactively to July 1, 2019.

S704 - COVID-19 Recovery Act.

Sec. 4.31: Public Bodies/Remote Meetings During Declared Emergencies. (SL 2020-3)

Section 4.31 of S.L. 2020-3, establishes clear authority for public bodies to meet remotely during times of gubernatorial or legislatively declared emergencies, effective May 4, 2020, and applying to any such declaration of emergency in effect on or after that date.

S704 - COVID-19 Recovery Act.

Sec. 4.33: Extend Effective Date of Chapter 160D of the General Statutes. (SL 2020-3)

Sec. 4.33 of S.L. 2020-3, delayed the effective date of Chapter 160D of the General Statutes, the consolidated land use planning and development statutes, from January 1, 2021, to August 1, 2021. This section became effective May 4, 2020, but was repealed effective June 19, 2020, by Sec. 51 of S.L. 2020-25, which also made Chapter 160D effective June 19, 2020, and applicable to local government development regulation decisions made on or after the earlier of:

(1) The effective date of the amendments to local development regulations made to conform to the provisions of Part II of S.L. 2019-111, or

(2) July 1, 2021.

S704 - COVID-19 Recovery Act.

Sec. 4.34: Floodplain Maps by Incorporation into Local Ordinances. (SL 2020-3)

Section 4.34 of S.L. 2020-3 allows land use development ordinances adopted by a county or city 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 and authorizes those ordinances or zoning maps to incorporate by reference the most recent officially adopted version of such maps. This section also authorizes land use development ordinances to provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map is maintained for public inspection by the county or city. This section became effective May 4, 2020, and expires August 1, 2021.

S704 - COVID-19 Recovery Act .

Sec. 4.40: Extend Certain Local Government Approvals Affecting the Development of Real Property within the State. (SL 2020-3)

Section 4.40 of S.L. 2020-3 provided that for any development approval that was current and valid at any point during the period beginning March 10, 2020 and ending April 28, 2020, the development approval period expiration date and any associated vested rights were extended for five months.

The section became effective May 4, 2020 and expired September 28, 2020. However, Section 3.21 of S.L. 2020-97 reextends certain development approvals. See Section 3.21 of S.L. 2020-97 or its summary for more information.

S704 - COVID-19 Recovery Act .

Sec. 4.42: Use of Regional Council of Governments in Administration of FEMA Public Assistance and Individual Assistance Funds. (SL 2020-3)

Section 4.42 of S.L. 2020-3 authorizes the North Carolina Department of Emergency Management to utilize North Carolina Regional Councils of Government in administering Federal Emergency Management Agency public assistance and individual assistance funds.

This section became effective May 4, 2020.