



There are various proposed bills currently pending before the North Carolina General Assembly which limit, restrict, and/or usurp powers that local governments have historically possessed that enabled local governments to meet residents' and property owners' desires with respect to protecting the character of their cities, towns, villages and neighborhoods. At their April 23, 2019 meeting, the Village of Pinehurst Council unanimously approved resolution 19-12 opposing this overreach by the North Carolina General Assembly. Moore County and nearly every other municipality within the county have approved similar statements. The Village of Pinehurst is urging all citizens to contact our local elected State officials and let your voice be heard on this matter. Below is a list of some of the current proposed bills before the General Assembly as well as contact information for our State Officials.

### **S 0367 - Clarify Property Owners' Rights**

**Sponsor:** Thomas McInnis

**Analysis:**

Prohibits cities and counties from regulating removal of trees on private property, including areas in a city's extra-territorial jurisdiction, unless given express authority by the General Assembly. States that no other general police powers may be cited by a city or county as their authority for regulating tree removal on private property. Further, even when the General Assembly allows a city or county to regulate tree removal on private property, stipulates that the ordinance must include a provision granting private property owners the right to remove trees that interfere with a construction or renovation project, so long as they replace that tree with a sapling of the same or similar type. Requires all ordinances of this type that were previously authorized by local act to be updated to include the prior provision regarding replanting of trees removed during construction or renovation. (First Edition)

Currently, this bill has been withdrawn from consideration by Senator McInnis. However, its introduction is part of the broader pattern and it may be reintroduced at a future time.

### **H 0492 - Simplify Builder Inventory Exclusion**

**Sponsor:** Mark Brody

**Analysis:**

Extends an existing property tax exclusion, which allows builders who own real property held for sale to exclude from property tax calculations the increase in value of the property attributable to subdivision of the land or residential construction on the land. The extension would go from three to

five years. Also eliminates an annual filing requirement builders must currently make to take advantage of this exclusion. (First Edition).

### **H 0645 & S 534 - Revisions to Outdoor Advertising Laws**

**Sponsor:** Jason Saine

**Analysis:**

Makes numerous changes to the state's billboard laws. Lists the factors for calculating just compensation to be paid if a sign is condemned, including potential future income the sign could earn. Sets new standards for relocating existing signs and preempts any local ordinances to the contrary. Broadens state standards for cutting vegetation. (First Edition)

### **H 0675 - 2019 Building Code Regulatory Reform**

**Sponsor:** Mark Brody

**Analysis:**

Makes numerous changes to building inspection laws. Most importantly, mandates a two-day turnaround time to review residential building plans submitted under the seal of an engineer or architect, or five days for residential plans submitted by other persons. Among other additional provisions, directs creation of a standardized form to certify third-party inspections of various building components or elements; prohibits cities from requiring developers to bury power lines under specifically-listed circumstances; prohibits cities from requiring a minimum square footage for residential structures; exempts temporary structures related to motion picture, television, and theater stage sets from building permitting processes; and extends until October 1, 2021 a requirement for cities to report instances where building inspectors find more than 15 building code violations in one inspection. (First Edition)

### **H 0722 & S 355 - Land-Use Regulatory Changes**

**Sponsor:** Destin Hall

**Analysis:**

Makes significant changes to the process of resolving and litigating land use disputes. Importantly, one of these changes includes an ability for a property owner to bypass the local board of adjustment and file an original action in superior or federal court, for certain types of legal claims. Another change confers standing on various potential plaintiffs, including non-property owners that have executed a private contract giving them an option to purchase the property subject to the disputed development approval. Yet another provision changes the rules of evidence that currently apply to these types of cases. The proposal also eliminates the defense of estoppel for these legal proceedings, which means that a property owner may continue the development process while challenging a local government's development approval decision, and those actions do not discount the property owner's arguments in the legal proceeding. Changes the attorney's fees statute to require an award of attorney's fees if the local government was found to have "violated a statute or case law setting forth unambiguous limits on its authority," rather than leaving that decision in the

discretion of the court. Proposes exhaustive lists to define the terms “development,” “development approval,” and “land development regulation,” which then apply to various land use statutes. Explicitly creates new vested rights for developers, which entitles them to lock in certain development rules and regulations contained in the applicable development approval. In another change, removes a current provision allowing non-property owners to request a rezoning of parcels, unless all affected landowners give written consent to the request. Also adds language to the current “permit choice” statute to further define the circumstances under which a developer may choose between proceeding under a local government’s old or new zoning or subdivision ordinances, when the development proposal or approval is sought in the midst of an ordinance update. (First Edition)

### **S 0406 - Limit Conditional Zoning**

**Sponsor:** Thomas McInnis

**Analysis:**

Limits the discretion of local government officials when making conditional or special use zoning decisions, only allowing conditions that would otherwise be able to be imposed upon other similarly-situated parcels in the same zoning classification. (First Edition)

### **S 0571 - Local Governments/Unsafe Buildings**

**Sponsor:** Jim Perry

**Analysis:**

Rolls back several reasons for which a municipal code enforcement official may consider a building or structure unsafe, including that the building “is likely to cause or contribute to blight, disease, vagrancy, or danger to children,” or “has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance,” such as gang activities. Puts in place a 60-day time period under which a building owner must take corrective action, and allows municipal officials to grant another 60-day extension to complete work to bring the building into compliance. (First Edition)

### **H 0495 – Prohibit Municipalities from Regulating Off-Site Septic Easements**

**Sponsor:** Pat McElraft

**Analysis:** Amends GS 130A-335 to prohibit any municipalities from prohibiting, regulating by ordinance, or enforcing an existing ordinance that regulates the use of off-site wastewater systems or other systems approved by the Department of Health and Human Service under rules adopted by the Commission for Public Health so long as the proposed system meets the specific conditions of the approval. Retroactively applies to municipal ordinances enacted on or after October 15, 2018. Voids and deems unenforceable any inconsistent municipal ordinance.

**Please contact our elected State Officials and voice your concern!**

**NC Senator Tom McInnis**

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**Representative Jamie Boles**

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**Representative Allen Ray McNeill (Northern Moore County and Randolph County)**

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For additional State Officials contact information and to follow the progression of the proposed bills, please visit the following link below to the NC General Assembly website.

<https://www.ncleg.gov/>