

Local Government

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H103 - 2022 Appropriations Act.

Sec. 5.7: Authorize Sanitary Districts to Create, Maintain, and Operate Parks and Recreation Programs and Facilities. (SL 2022-74)

Section 5.7 of S.L. 2022–74 authorizes sanitary districts to provide for the creation, maintenance, and operation of parks and recreation programs and facilities. However, sanitary districts are prohibited from using the power of eminent domain to acquire real property for parks and recreation programs or facilities.

This section became effective July 1, 2022.

H211 - Social District/Common Area Clarifications. (SL 2022-49)

S.L. 2022-49 recodifies and revises the statutes related to common area entertainment permits and social districts to make them more uniform and clarifies (i) the areas that can be included under a common area entertainment permit or a social district and (ii) the activities that may occur within a designated consumption area under a common area entertainment permit or a social district.

This act became effective July 7, 2022.

H315 - Arson Law Revisions. (SL 2022-8)

S.L. 2022-8 makes the following changes to various laws related to arson:

- Increases the punishment for certain arson offenses. This section becomes effective December 1, 2022, and applies to offenses committed on or after that date.
- Creates a new Class F felony for "serious injury" suffered by a firefighter, law enforcement officer, fire investigator, or emergency medical technician in responding to a fire caused by arson. This section becomes effective December 1, 2022, and applies to offenses committed on or after that date.
- Requires criminal history background checks of applicants to fire departments, requires applicants to disclose certain convictions, and prohibits persons convicted of certain crimes from serving as a volunteer or paid member of a fire department. This section became effective June 14, 2022, and applies to applications submitted on or after that date.

H911 - Regulatory Reform Act of 2022.

Sec. 3: Authorize Sanitary Districts to Create, Maintain, and Operate Parks and Recreation Programs and Facilities. (SL 2022-75)

Section 3 of S.L. 2022–75 authorizes sanitary districts to provide for the creation, maintenance, and operation of parks and recreation programs and facilities. However, sanitary districts are prohibited from using the power of eminent domain to acquire real property for parks and recreation programs or facilities.

This section became effective July 12, 2022.

H911 - Regulatory Reform Act of 2022.

Sec. 10: Extend Deadline for Small Municipalities to Adopt Comprehensive Land-Use Plans. (SL 2022-75)

Section 10 of S.L. 2022-75 gives municipalities with a population of 1,500 or less an extra year to adopt a comprehensive land-use plan as required by the 2019 reorganization of State's land-use regulatory laws.

This section became effective July 12, 2022.

H911 - Regulatory Reform Act of 2022.

Sec. 14: Allow Local Governments to Enter Intergovernmental Support Agreements with Military to Provide Installation-Support Services. (SL 2022-75)

Section 14 of S.L. 2022-75 allows counties and cities to enter into agreements to provide installation-support with military installations, consistent with federal law.

This section became effective July 12, 2022.

S101 - Require Cooperation with ICE 2.0. (Ratified)

SB 101 would have done the following:

- Require that Immigration and Customs Enforcement of the United States Department of Homeland Security (ICE) be queried when an individual charged with certain offenses was in custody and that person's legal residency or United States citizenship status was undetermined.
- Require a judicial official to order that a prisoner subject to a detainer and administrative warrant be held in custody for 48 hours or until ICE resolves the request.
- Create reporting requirements related to ICE queries.

SB 101 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

S265 - Bond Info Transparency/LGC Toolkit II. (SL 2022-53)

S.L. 2022-53 does the following:

- Requires units to provide a statement of disclosures that contain the estimated interest costs of the bond issuance, estimated property tax rate changes, if any, needed to service the proposed debt, and a calculation of the two-thirds bonds capacity of the unit for the current fiscal year (Sections 1-4).

- Requires units to file interim reports with the Local Government Commission (LGC) for events that will or may have a material, adverse effect on the financial health, operations, or internal controls of the unit (Section 5).
- Limits the amount of debt a unit on the most recently published Unit Assistance List could incur without LGC approval (Section 6).
- Repeals a provision requiring the State Health Plan to charge interest on late premiums to local governments and charter schools as the provision is not cost-effective to administer (Section 7).
- Requires notice to the LGC of the creation of any new public authority or unit that is subject to the Local Government Budget and Fiscal Control Act (Section 8).
- Increases the fidelity bond requirements for finance officers to protect the assets of local governments and public authorities (Section 9). This section becomes effective January 1, 2023.
- Authorizes charter schools to participate in the State Treasurer's Ancillary Governmental Participant Investment Program (AGPIP) (Section 9.5).

Except as otherwise provided, this act became effective July 7, 2022, and applies to bonds issued under bond orders introduced on or after October 1, 2022, and to contracts entered into on or after October 1, 2022.

S435 - Terminations of States of Emergency. (SL 2022-57)

S.L. 2022-57 establishes certain notice requirements when prohibitions or restrictions enacted during a local state of emergency expire or terminate, effective July 8, 2022.

S762 - North Carolina Farm Act of 2022.

Sec. 1: Clarify the Applicability of the Farm Building Exception to the Building Code. (SL 2022-55)

Section 1 of S.L. 2022-55 provides that a building used primarily for storage of agricultural commodities or products, or storage and use of materials for agricultural purposes, is considered a farm building for purposes of the North Carolina Building Code, regardless of whether the building is located on the same property where the agricultural commodities or products were produced. The building must be surrounded by at least 60 feet of open space and be placarded as "Ag Exempt."

This section became effective July 8, 2022.

S762 - North Carolina Farm Act of 2022.

Sec. 2: Agricultural Use Clarification. (SL 2022-55)

Section 2 of S.L. 2022-55 clarifies that for purposes of county zoning, a building or structure that is used solely for the storage of cotton, peanuts, or sweetpotatoes, or any of the byproducts of those commodities, is a bona fide farm purpose.

This section became effective July 8, 2022.