

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 206
Second Edition Engrossed 4/14/09

Short Title: Affordable Housing for Local Employees. (Local)

Sponsors: Representatives Guice; E. Floyd and Hughes.

Referred to: Education, if favorable, Judiciary III.

February 18, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITY OF BREVARD, THE TOWN OF ROSMAN,
3 TRANSYLVANIA COUNTY, AND THE TRANSYLVANIA COUNTY BOARD OF
4 EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR
5 CITY AND COUNTY EMPLOYEES AND FOR PUBLIC SCHOOLTEACHERS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** Notwithstanding G.S. 66-58, G.S. 115C-518, Article 12 of
8 Chapter 160A of the General Statutes, or any other provision of law, and subject to the
9 restrictions set out in this section, the City of Brevard, the Town of Rosman, Transylvania
10 County, and the Transylvania County Board of Education may enter into a joint venture, land
11 trust, or similar arrangement to construct and provide affordable housing on property owned by
12 the City of Brevard, the Town of Rosman, Transylvania County, or the Transylvania County
13 Board of Education.

14 **SECTION 1.(b)** Notwithstanding G.S. 66-58, G.S. 115C-518, Article 12 of
15 Chapter 160A of the General Statutes, or any other provision of law, this section authorizes the
16 City of Brevard, the Town of Rosman, Transylvania County, and the Transylvania County
17 Board of Education to convey property they own to such partnership, joint venture, land trust,
18 or similar entity for the purposes of constructing, providing, and maintaining affordable
19 housing for employees of the City of Brevard, the Town of Rosman, Transylvania County, and
20 Transylvania County schoolteachers, and, if units remain available, to Transylvania County
21 Schools' professional staff. The City of Brevard, the Town of Rosman, Transylvania County,
22 and the Transylvania County Board of Education shall not transfer to the partnership, joint
23 venture, land trust, or other entity created pursuant to this act, property acquired on or after the
24 effective date of this act through the exercise of eminent domain.

25 **SECTION 1.(c)** Notwithstanding G.S. 66-58, G.S. 115C-518, Article 12 of
26 Chapter 160A of the General Statutes, or any other provision of law, the City of Brevard, the
27 Town of Rosman, Transylvania County, and the Transylvania County Board of Education, or
28 the partnership, joint venture, land trust, or similar entity referenced above may contract with
29 any person, partnership, corporation, or other business entity to finance, construct, or maintain
30 such affordable housing.

31 **SECTION 1.(d)** Notwithstanding G.S. 66-58, G.S. 115C-518, Article 12 of
32 Chapter 160A of the General Statutes, or any other provision of law, the City of Brevard, the
33 Town of Rosman, Transylvania County, and the Transylvania County Board of Education, or
34 the partnership, joint venture, land trust, or similar entity referenced above may rent or sell such
35 housing units for residential use; provided that the rental or sale of such units is exclusively
36 restricted to employees of the City of Brevard, the Town of Rosman, and Transylvania County,



1 and to Transylvania County schoolteachers, and, if units remain not leased or sold, to
2 Transylvania County Schools' professional staff; provided further that, while the housing units
3 may be rented or sold, the land may only be leased and not sold. The City of Brevard, the Town
4 of Rosman, Transylvania County, and the Transylvania County Board of Education, or the
5 partnership, joint venture, land trust, or similar entity referenced above shall have the authority
6 to establish reasonable rents or sales prices for any such housing units and may in their
7 discretion charge below-market rates and offer below-market financing. The City of Brevard,
8 the Town of Rosman, Transylvania County, and the Transylvania County Board of Education,
9 or the partnership, joint venture, land trust, or similar entity referenced above may also place
10 reasonable restrictions and buyback provisions on the resale of the housing units to maintain
11 the purposes set forth in this section.

12 **SECTION 1.(e)** This section shall not exempt any affordable housing units
13 constructed pursuant to this act from compliance with applicable building codes, zoning
14 ordinances, or any other health and safety statutes, rules, or regulations.

15 **SECTION 2.** A unit of local government that has implemented its authority under
16 this act must report annually to the Local Government Commission and to the Revenue Laws
17 Study Committee of the General Assembly on the number of housing unit sales and on the
18 median income of the purchasers of the housing units. A unit of local government may
19 designate a local land trust or other nonprofit entity with whom the unit of local government
20 has contracted to manage its affordable housing program under the provisions of this act to
21 fulfill this reporting requirement.

22 **SECTION 3.** This act is effective when it becomes law.