

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 695

Short Title: Incent Development Finance District Funding. (Public)

Sponsors: Senators Lazzara and Johnson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 26, 2025

A BILL TO BE ENTITLED
AN ACT TO GROW THE PROPERTY TAX BASE OF UNITS OF LOCAL GOVERNMENT
BY FACILITATING PRIVATE DEVELOPER INVOLVEMENT IN CERTAIN PROJECT
DEVELOPMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-277.1D is reenacted as it existed immediately before its repeal and reads as rewritten:

"§ 105-277.1D. Inventory property tax deferral.

(a) Classification. – A ~~residence~~qualified improvement (i) constructed by a builder and owned by the builder or a business entity of which the builder is a member, as defined in G.S. 105-277.2, (ii) located in an incentive district (iii) used for a purpose set forth in G.S. 159-103 is designated a special class of property under Section 2(2) of Article V of the North Carolina Constitution and is taxable in accordance with this section. For purposes of this section, a ~~"residence"~~ is an the following definitions apply:

(1) Incentive district. – An area (i) designated by a developer, (ii) submitted for approval to the governing body of the unit of local government in which the area is located, (iii) determined, by that governing body, to be an area for which the unit could apply for project development financing debt instruments pursuant to Article 6 of Chapter 159, and (iv) approved by the governing body as an incentive district. An incentive district may comprise no more than five percent (5%) of the local government unit's total area.

(2) Qualified improvement. – An improvement, other than remodeling, renovating, rehabilitating, or refinishing, ~~by a builder~~ to real property that is intended to be sold and used as an individual's residence, that is unoccupied, and for which a certificate of occupancy authorized by law has been issued. provided in this subsection.

(b) Deferred Taxes. – An owner may defer the portion of tax imposed on real property that represents the increase in value of the property attributable solely to improvements resulting from the ~~construction~~qualified improvement by the builder of a ~~residence~~ on the property. The difference between the taxes due under this section and the taxes that would have been payable in the absence of this section are a lien on the real property of the taxpayer as provided in G.S. 105-355(a). The difference in taxes for the fiscal ~~years~~year preceding the current tax year shall be carried forward in the records of the taxing unit or units as deferred taxes. The deferred taxes are due and payable in accordance with G.S. 105-277.1F when the property loses its eligibility for deferral because of the occurrence of a disqualifying event. A disqualifying event occurs when a certificate of occupancy is issued for the qualified improvement ~~at the earliest of~~



~~(i) when the owner transfers the residence, (ii) when the residence is occupied by the owner or by someone other than the owner with the owner's consent, (iii) five years from the time the improved property was first subject to being listed for taxation by the owner, or (iv) three years from the time the improved property first received the property tax benefit provided by this section.~~ On or before September 1 of each year, the collector shall notify each owner to whom a tax deferral has previously been granted of the accumulated sum of deferred taxes and interest.

(c) Creditor Limitations. – A mortgagee or trustee that elects to pay any tax deferred by the owner subject to a mortgage or deed of trust does not acquire a right to foreclose as a result of the election. Except for requirements dictated by federal law or regulation, any provision in a mortgage, deed of trust, or other agreement that prohibits the owner from deferring taxes on property under this section is void.

(d) Construction. – This section does not affect the attachment of a lien for personal property taxes against a tax-deferred residence.

(e) Application. – An application for property tax relief provided by this section should be filed during the regular listing period but may be filed after the regular listing period upon a showing of good cause by the applicant for failure to make a timely application, as determined and approved by the board of equalization and review or, if that board is not in session, by the board of county commissioners. An untimely application approved under this subsection applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. Decisions of the county board may be appealed to the Property Tax Commission. Persons may apply for this property tax relief by entering the appropriate information on a form made available by the assessor under G.S. 105-282.1."

SECTION 2. This act is effective for taxes imposed for taxable years beginning on or after July 1, 2025.