

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 489
Senate State & Local Government Committee Substitute Adopted 7/11/07

Short Title: Asheville Housing Authority.

(Local)

Sponsors:

Referred to:

March 6, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO REDUCE THE TERMS OF THE HOUSING AUTHORITY OF THE
3 CITY OF ASHEVILLE FROM FIVE YEARS TO FOUR YEARS AND TO
4 AUTHORIZE THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY
5 BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE
6 HOUSING FOR TEACHERS, POLICE OFFICERS, AND FIREFIGHTERS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** G.S. 157-5(d) reads as rewritten:

9 "(d) The mayor shall designate overlapping terms of not less than one nor more
10 than five years for the commissioners first appointed. Thereafter, the term of office shall
11 be ~~five~~four years. A commissioner shall hold office until his or her successor has been
12 appointed and has qualified. Vacancies shall be filled for the unexpired term. A majority
13 of the commissioners shall constitute a quorum. The mayor shall file with the city clerk
14 a certificate of the appointment or reappointment of any commissioner and such
15 certificate shall be conclusive evidence of the due and proper appointment of such
16 commissioner. A commissioner shall receive no compensation for his or her services
17 but he or she shall be entitled to the necessary expenses including traveling expenses
18 incurred in the discharge of his or her duties."

19 **SECTION 1.(b)** This section applies to the City of Asheville only.

20 **SECTION 1.(c)** This section applies to terms of office commencing on or
21 after the date it becomes law.

22 **SECTION 2.(a)** Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12
23 of Chapter 160A of the General Statutes, or any other provision of law, and subject to
24 the restrictions set out in this section, the City of Asheville and the Asheville City Board
25 of Education may enter into a partnership, joint venture, land trust, or similar
26 arrangement with each other to construct and provide affordable housing on property
27 now owned by the City of Asheville or the Asheville City Board of Education.

28 **SECTION 2.(b)** Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12
29 of Chapter 160A of the General Statutes, or any other provision of law, this section

1 authorizes the City of Asheville and the Asheville City Board of Education to convey
2 property they own to such partnership, joint venture, land trust, or similar entity for the
3 purposes of constructing, providing, and maintaining affordable housing for Asheville
4 City Schools teachers and City of Asheville police officers and firefighters, and, if units
5 remain available, to Asheville City Schools professional staff. The City of Asheville
6 and the Asheville City Board of Education shall not transfer to the partnership, joint
7 venture, land trust, or other entity created pursuant to this act, property acquired on or
8 after the effective date of this act through the exercise of eminent domain.

9 **SECTION 2.(c)** Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12
10 of Chapter 160A of the General Statutes, or any other provision of law, the City of
11 Asheville, the Asheville City Board of Education, or the partnership, joint venture, land
12 trust, or similar entity referenced above may contract with any person, partnership,
13 corporation, or other business entity to finance, construct, or maintain such affordable
14 housing.

15 **SECTION 2.(d)** Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12
16 of Chapter 160A of the General Statutes, or any other provision of law, the City of
17 Asheville, the Asheville City Board of Education, or the partnership, joint venture, land
18 trust, or similar entity referenced above may rent or sell such housing units for
19 residential use; provided that the rental or sale of such units is exclusively restricted to
20 Asheville City Schools teachers and to City of Asheville police officers and firefighters,
21 and, if units remain not leased or sold, to Asheville City Schools professional staff;
22 provided further that, while the housing units may be rented or sold, the land may only
23 be leased and not sold. The City, the Board, and the partnership, joint venture, land
24 trust, or similar entity referenced above shall have the authority to establish reasonable
25 rents or sales prices for any such housing units and may in their discretion charge
26 below-market rates and offer below-market financing so as to provide housing for
27 families earning less than one hundred percent (100%) of the area median income for
28 families of the same size for which they pay no more than thirty percent (30%) of their
29 gross household income. The City, the Board, and the partnership, joint venture, land
30 trust, or similar entity referenced above may also place reasonable restrictions and
31 buyback provisions on the resale of the housing units to maintain the purposes set forth
32 in this section.

33 **SECTION 2.(e)** This section shall not exempt any affordable housing units
34 constructed pursuant to this act from compliance with applicable building codes, zoning
35 ordinances, or any other health and safety statutes, rules, or regulations.

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