

Local Government

See full summary documents for additional detail

H160 - Retirement Service Purchase Rewrite Part II. (SL 2021-57)

S.L. 2021-57 amends service purchase requirements for the Teachers' and State Employees' Retirement System (TSERS), Local Governmental Employees' Retirement System (LGERS), and the Consolidated Judicial Retirement System (CJRS).

These changes became effective January 1, 2022 and apply to the purchase of creditable service occurring on or after that date.

The act also repeals duplicative statutes or those that are no longer necessary in TSERS and LGERS and these changes become effective July 1, 2022.

H168 - Retirement Administrative Changes Act of 2021. (SL 2021-75)

S.L. 2021-75 amends the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGERS) regarding contribution-based benefit cap liabilities, withdrawal liabilities, terminology, and the requirement to adopt written policies on special separation buyouts; it also provides authorization for Department of State Treasurer and the Supplemental Retirement Board to adopt fees; it amends the Optional Retirement Program with regard to Disability Income Plan overpayments; addresses the process for the special retirement allowance payments upon the death of a beneficiary; and contains a severability clause.

This act became effective July 1, 2021.

H218 - Streamline Permits/Redevelopment of Property. (SL 2021-164)

S.L. 2021-164 requires local governments that implement water supply watershed programs to allow an applicant to exceed the allowable density under water supply watershed program rules in certain circumstances, and exempts certain footprint expansions from site plan modification requirements.

Sections 1 and 2 of this act became effective October 1, 2021. The remainder of this act became effective October 8, 2021.

H278 - Sunset ABC Board Participation in LGERS. (SL 2021-59)

S.L. 2021-59 sunsets eligibility for participation in the Local Governmental Employees' Retirement System (LGERS) by Alcohol Control Boards. This act became effective June 28, 2021.

H312 - Qualifications for Sheriff/Expunction. (SL 2021-107)

S.L. 2021-107, which became effective October 1, 2021, does the following:

- Clarifies that an individual who has been convicted of a felony, regardless of any expunctions or restoration of rights of citizenship, is ineligible for the office of sheriff, in accordance with Article VII, Section 2 of the North Carolina Constitution.
- Requires a candidate or appointee for the office of sheriff to file a disclosure statement prepared by the North Carolina Sheriff's Education and Training Standards Commission verifying that the candidate or appointee has no prior felony convictions or expungements of felony convictions.

H344 - System Development Fees Update. (SL 2021-76)

S.L. 2021-76 does the following:

- Clarifies certain minimum standards incorporated into the generally accepted accounting, engineering, and planning methodologies used to calculate system development fees imposed by local governments for public water and sewer systems.
- Provides that the system development fee also applies to service provided under a wholesale arrangement between a water and sewer authority and a local governmental unit.
- Provides that water and wastewater public utilities are solely responsible for funding the income taxes due on taxable contributions made to the utility by a developer and that the taxes be recovered through the rate base over the life of the asset.

This act became effective July 2, 2021.

H366 - Regulatory Reform Act of 2021.

Sec. 6: Manufactured Homes Installation. (SL 2021-117)

Section 6 of S.L. 2021-117 prohibits local governments from requiring masonry curtain walls or masonry skirting be installed on manufactured homes located on land leased to the homeowner.

This section became effective October 1, 2021.

H366 - Regulatory Reform Act of 2021.

Sec. 12.5: Remote Inspections for North Carolina State Building Code Compliance. (SL 2021-117)

Section 12.5(a) of S.L. 2021-117 directs the Insurance Commissioner, through the Division of Engineering, to develop eligibility criteria to conduct certain inspections required by the North Carolina State Building Code as remote inspections, which are inspections conducted either by interactive real-time audio and video communication with a permit holder or a review of an electronic video recording submitted by the permit holder.

Section 12.5(c) of S.L. 2021-117 directs inspection departments to implement remote inspection procedures in accordance with the criteria and procedures developed by the Insurance Commissioner. Inspection departments are required to provide the remote inspection option to building permit applicants and are required to specify the extent to which remote inspections are available for certain projects when the building permit is issued.

Subsection (c) of this section became effective January 1, 2022, the remainder of this section became effective August 23, 2021.

H854 - Land Use Clarifications. (SL 2021-168)

S.L. 2021-168 clarifies several provisions in the new Chapter 160D of the General Statutes, Local Planning and Development Regulation, effective October 15, 2021.

S105 - 2021 Appropriations Act.

Sec. 38.1: Amendments to the Growing Rural Economies with Access to Technology (GREAT) Program. (SL 2021-180)

Section 38.1 of S.L. 2021-180 amends the Growing Rural Economies with Access to Technology (GREAT) Program, a broadband infrastructure grant program operated by the Broadband Infrastructure Office (Office) of the Department of Information Technology (Department) to provide grants to broadband providers and cooperatives for projects designed to extend broadband service to unserved areas in economically distressed counties of the State, by making the following changes:

- Clarifies that project area protection can be maintained for the duration of a project that is in good standing.
- Modifies the requirements relating to the protest period, including a reduction of the period to 20 days, and detailing the eligibility of protests and the evidence and criteria used by the Department to evaluate a protest.
- Enables the Office to evaluate applications that utilize a partnership, and clarifies the types of partnerships that are eligible under the program.
- Modifies the scoring metrics, matching requirements, and grant thresholds.

This section became effective November 18, 2021.

S105 - 2021 Appropriations Act.

Sec. 38.6: Completing Access to Broadband Program. (SL 2021-180)

Section 38.6 of S.L. 2021-180 establishes the Completing Access to Broadband Program (CAB) to supplement federal American Rescue Plan Act (ARPA) funding received by counties with State ARPA funds to expand broadband infrastructure to unserved and underserved areas.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 38.10: Broadband Acceleration. (SL 2021-180)

Section 38.10 of S.L. 2021-180 authorizes counties to provide grants to private or nonprofit providers of broadband service; establishes the Broadband Pole Replacement Program within the Department of Information Technology (Department); expands the definition of the term "city utility pole" for purposes of wireless telecommunication facilities; prohibits municipalities from imposing certain fees and recurring charges for the collocation of small wireless facilities; and makes various other related changes.

This section became effective November 18, 2021. The provisions related to the Broadband Pole Replacement Program expire December 31, 2024.

S277 - Retirement & Treasury Technical Corrections Act of 2021. (SL 2021-60)

Senate Bill 277 makes various technical and clarifying changes to the Teachers' and State Employees' Retirement System, the Local Government Commission, and the statutes allowing a limited license to practice law by out-of-state attorneys. It also removes the requirement that the treasurer report on university improvement general obligation bonds. The act became effective July 1, 2021.

S311 - No Waiting Period Under LGERS/Volunteer Fire Department Fund Grants. (SL 2021-178)

S.L. 2021-178 prohibits employers from imposing a waiting period on employees who are eligible for membership in the Local Governmental Employees' Retirement System (LGERS), updates the Volunteer Fire Department Fund (VFDF) grant matching requirements, allows a one-time pension supplement to be paid to LGERS members, and reduces the SUTA contribution rate from 2.4% to 1.9% for calendar year 2022. The waiting period and VFDF portions of the act became effective December 1, 2021. The pension supplement and SUTA portions became effective November 10, 2021.

S314 - Local Gov. Commission Assistance Toolkit. (SL 2021-124)

S.L.2021-124, effective August 30, 2021:

- Delays the impact of changes to sales tax distribution formulas
- Requires a statement indicating the municipality's prospects for financial viability and effective fiscal management be included on the petition for a new municipality
- Requires training for city and county managers when a unit of local government exhibits fiscal distress
- Establishes a process by which a city in financial distress could seek assistance and potentially dissolve.

S473 - Enhance Local Gov't Transparency. (SL 2021-191)

S.L. 2021-191 does the following:

- Requires the State Auditor (Auditor) to notify the Local Government Commission (Commission) when an audit report is the result of an investigation of a unit of local government, effective December 9, 2022.
- Allows the Commission, following the release of an investigative report, to be involved in that local government's audit process for up to three fiscal years, effective December 9, 2022 and applies to investigative reports conducted July 1, 2018 and after.
- Requires a local finance officer to garnish a board or council member's compensation in order to collect monies owed for unpaid county and city services, effective December 9, 2022.
- Creates a new felony offense for public officers who personally benefit financially from their position, effective January 1, 2022.
- Subject to certain exceptions, prohibits public officials from participating in making or administering a contract, including the award of money, with any nonprofit with which the public official is associated, effective January 1, 2022.

S668 - Anti-Pension Spiking Amds & Litig. Moratorium. (SL 2021-72)

S.L. 2021-72 authorizes an additional payment option for a contribution-based benefit cap (CBBC) liability, outlines responsibilities for CBBC liabilities when the final employer of a member is not the member's employer for average final compensation calculations, provides an adjustment to the formula for reduced retirements with CBBC liabilities, provides for a litigation pause and establish a workgroup that may provide a report on the anti-pension spiking contribution-based benefit cap to the Joint Legislative Oversight Committee on General Government, and provides early notification to the Local Government Commission on proposed financing arrangements.

The full summary of the act outlines various effective dates, otherwise the act became effective July 2, 2021.

S722 - Revise Local Government Redistricting/Census. (SL 2021-56)

S.L. 2021-56 impacts municipalities where an election for municipal officers is scheduled for 2021 and where less than the entire jurisdiction is eligible to vote for one or more municipal candidates on the 2021 ballot in the following ways:

- Delays the municipal elections scheduled for 2021 in those affected municipalities to 2022, with an option for the at-large elections in those districts to be in 2021.
- Requires those affected municipalities to evaluate and revise electoral districts in accordance with state and federal law following the release of federal decennial census data by November 17, 2021, or December 17, 2021, if the municipality is unable to meet the November 17, 2021 deadline.
- Allows individuals to register to vote between the date of the first primary and any second primary, and vote in that second primary, for 2022 only.
- Moves the City of Raleigh municipal elections to even-numbered years, and changes the method of election to non-partisan plurality.

- Delays the Charlotte-Mecklenburg Board of Education and the Lexington City Board of Education regular 2021 elections to 2022.
- Provides for boards of county commissioners to be able to adopt and implement revised districts for the 2022 election.

This act became effective June 28, 2021, and applies only to certain 2021 municipal elections.