

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 755
SENATE BILL 1386

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM TO ALLOW
PAYMENT OF ASSESSMENTS OVER A LONGER PERIOD AND AT A
REDUCED INTEREST RATE IN CASES OF SPECIAL FINANCIAL
HARDSHIP.

The General Assembly of North Carolina enacts:

Section 1. Section 77 of the Charter of the City of Durham, being Chapter 671, 1975 Session Laws, as amended, is further amended by adding a new subsection to read:

"(22.1) (a) Notwithstanding subsection 22 of this section, the City Council may allow payment of assessments over an extended period of time, not to exceed 20 years, and at a reduced interest rate where the property owner demonstrates special financial hardship. In case of an assessment for water or sewer improvements, the special payment provisions shall apply until the earlier of (i) when the owner makes application for connection to receive water or sewer service; or (ii) such time as a fee interest in the property is transferred or conveyed, whether voluntarily or involuntarily, and whether during the lifetime of the owner or by devise or descent. In case of an assessment for street paving, sidewalks, or other improvements, the special payment provisions shall apply until such time as a fee interest in the property is transferred or conveyed, whether voluntarily or involuntarily, and whether during the lifetime of the owner or by devise or descent. At the time of application for connection or the time of transfer or conveyance, as applicable, the unpaid balance of the assessment shall become immediately due and payable in full. For purposes of this subsection, a lease, mortgage, or deed of trust shall not be considered as a transfer or conveyance of a fee interest in the property. In no event may the due date of the unpaid balance of the assessment extend beyond the lifetime of the owner.

(b) As a prerequisite to exercising the authority granted by this subsection, the City Council shall define what constitutes a special financial hardship, and may amend this definition from time to time.

(c) The authority granted by this subsection shall be exercised only upon written application of the owner of property subject to the assessment. The application must be filed with the City Clerk no later than 15 days after confirmation of the assessment roll. The application shall be on a form approved by the City Council. The application shall contain such information and documentation pertaining to special financial hardship, and such other information, as the City Council may require.

(d) The City Council may delegate authority to the City Manager or designee of the City Manager to approve or deny any application submitted pursuant to this section. If any such application shall be approved by the City, the City Clerk shall mark upon the confirmed assessment roll such words as shall indicate such approval by the City, the special payment provisions and the date and time of the approval."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 21st day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives