

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 1236\*

Short Title: Annexing Low-Income Areas. (Public)

Sponsors: Senator Jones.

Referred to: Rules and Operations of the Senate.

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO AMEND REQUIREMENTS FOR VOLUNTARY AND INVOLUNTARY ANNEXATION AS THEY RELATE TO LOW-INCOME COMMUNITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON POVERTY REDUCTION AND ECONOMIC RECOVERY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-31 reads as rewritten:

**"§ 160A-31. Annexation by petition.**

(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner.

(b) The petition shall be prepared in substantially the following form:

DATE:

To the \_\_\_\_\_ (name of governing board) of the (City or Town) of \_\_\_\_\_

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of \_\_\_\_\_.

2. The area to be annexed is contiguous to the (City or Town) of \_\_\_\_\_ and the boundaries of such territory are as follows:

(b1) Notwithstanding the provisions of subsections (a) and (b) of this section, if fifty percent (50%) or more of the households in an area petitioning for annexation pursuant to this section have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds, the governing board of any municipality shall annex by ordinance any area one-eighth of the aggregate external boundaries of which are contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of at least seventy-five percent (75%) of the parcels of real property in that area.

(b2) The petition under subsection (b1) of this section shall be prepared in substantially the following form:

DATE:

To the \_\_\_\_\_ (name of governing board) of the (City or Town) of \_\_\_\_\_

1. We the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(b1) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of \_\_\_\_\_.





1       (i) For purposes of determining whether the percentage of households in the area  
2 petitioning for annexation meets the poverty thresholds under subsection (b1) of this section,  
3 the petitioners shall submit to the municipal governing board any reasonable evidence that  
4 demonstrates the area in fact meets the income requirements of that subsection. The evidence  
5 presented may include data from the most recent federal decennial census, other official census  
6 documents, signed affidavits by at least one adult resident of the household attesting to the  
7 household size and income level, or any other documentation verifying the incomes for a  
8 majority of the households within the petitioning area. Petitioners may select to submit name,  
9 address, and social security number to the clerk, who shall in turn submit the information to the  
10 Department of Revenue. Such information shall be kept confidential and is not a public record.  
11 The Department shall provide the municipality with a summary report of income for  
12 households in the petitioning area. Information for the report shall be gleaned from income tax  
13 returns, but the report submitted to the municipality shall not identify individuals or  
14 households."

15       **SECTION 2.(a)** G.S. 160A-36(a) reads as rewritten:

16       "(a) A municipal governing board may extend the municipal corporate limits to include  
17 any area which meets the general standards of subsection (b), and which meets the  
18 requirements of subsection ~~(e)~~-(c), or that is completely surrounded by the municipality's  
19 primary corporate limits."

20       **SECTION 2.(b)** G.S. 160A-48(a) reads as rewritten:

21       "(a) A municipal governing board may extend the municipal corporate limits to include  
22 any area that complies with all of the following:

23       (1) ~~Which meets the~~ The area meets the general standards of subsection (b),  
24 ~~and~~(b) of this section.

25       (2) Every part of ~~which the area meets the requirements of either subsection (e)~~  
26 ~~or subsection (d), complies with all of the following:~~

27       a. Meets the requirements of subsection (c) of this section.

28       b. Meets the requirements of subsection (d) of this section.

29       c. Is completely surrounded by the municipality's primary corporate  
30 limits."

31       **SECTION 3.** G.S. 143B-437.04(a) reads as rewritten:

32       "(a) The Department of Commerce shall adopt guidelines for the awarding of  
33 Community Development Block Grants to ensure that:

34       (1) No local match is required for grants awarded for projects located in  
35 counties that have one of the 25 highest rankings under G.S. 143B-437.08 or  
36 counties that have a population of less than 50,000 and more than nineteen  
37 percent (19%) of its population below the federal poverty level according to  
38 the most recent federal decennial census.

39       (2) To the extent practicable, priority consideration for grants is given to  
40 projects located in counties that have met the conditions of subdivision  
41 (a)(1) of this section or in urban progress zones that have met the conditions  
42 of subsection (b) of this section.

43       (3) Priority consideration is given to projects located in areas annexed by a  
44 municipality under Article 4A of Chapter 160A of the General Statutes in  
45 order to provide water or sewer services to low-income residents."

46       **SECTION 4.** This act becomes effective October 1, 2010, and applies to  
47 annexations for which a resolution of intent has been adopted under Part 2 or Part 3 of Article  
48 4A of Chapter 160A of the General Statutes on or after that date and to annexation for which a  
49 petition has been received under Part 1 or Part 4 of Article 4A of Chapter 160A of the General  
50 Statutes on or after that date.