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Slides, Agenda, Materials, Oh my!

- Materials on the Course Page
- High-Level Summaries
- Questions in the Chat Box
- Zoom Protocols (videos preferred, mute on)



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Local Government Legislative Review Webinar
December 17, 2024
Online

Tuesday, December 17, 2024

- 9:00am **Welcome**
Allen Lowenthal, Professor of Public Law and Government
Pamela Fisher-Gibson, Assistant Professor of Public Law and Government
- 9:15am **Legislative Overview**
Christine Wunsche, Director, Legislative Reporting Services
- 9:25am **Public Health**
Jill Moore, Associate Professor of Public Law and Government
Kristen LeBoeth, Assistant Professor of Public Law and Government
- 10:00am **Break**
- 10:15am **Social Services & No Parity with Government Networks**
Karin Nishchen, Assistant Professor of Public Law and Government
- 10:45am **Law Enforcement**
Phil Dixon, Jr., Director, Public Defense Education
- 11:00am **Break**
- 11:15am **Federal Uniform Guidance**
Rebecca Badgett, Assistant Professor of Public Law and Government
- 11:55am **Election Legislation**
Gill Joyce, Professor of Public Law and Government
- 12:00pm **Break**
- 1:00pm **Planning & Zoning**
Jim Joyce, Assistant Professor of Public Law and Government
Allen Lowenthal, Professor of Public Law and Government
- 2:00pm **Conclude**

Agenda

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Overview of Legislative Session
Christine Wunsche

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What is happening at the NCGA?

- Met for the last time in 2024 in December
- Adjourned Sine Die on December 13, 2024
- 2025-26 Biennium begins in January



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2025 Long Session

- Organizational Session January 8
 - Elect Officers
 - Adopt Rules, including creating committees & setting bill filing/crossover deadlines
- Return to Session January 29
 - Any topics can be considered



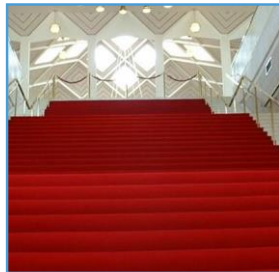
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Legislative Reporting Service

lrs.sog.unc.edu

- Free summaries of bills, amendments, committee substitutes, and conference reports every day the legislature is in session
- Personalized bill tracking features
 - My bills
 - My monitors



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The screenshot displays the LRS website interface. At the top, there's a navigation bar with 'UNC SCHOOL OF GOVERNMENT' and 'Legislative Reporting Service'. Below the navigation, there's a header for 'The Daily Bulletin' with a sub-header 'The Daily Bulletin: List of Bill Digests'. A table lists various bills with columns for 'Bill Number', 'Effective Date', and 'Download'. A blue arrow points to the 'Download' column. On the left side, there's a sidebar with 'LRS Search' and 'My Bills' sections.

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Public Health Legislation

Jill Moore and Kirsten Leloudis

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Communicable Disease Control

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Medical Masks

S.L. 2024-16 (HB237), §1



Image source: PowerPoint stock photos

Background

- NC law generally prohibits wearing masks in certain places or circumstances, including on public ways or public property, when entering private property, or when holding meetings or demonstrations. G.S. Ch. 14, Art. 4A.
- Legislation adopted in 2020 created an exception for masks worn for the purpose of protecting the physical health or safety of the wearer or others. A law enforcement officer could require the person to remove the mask during traffic stops or criminal investigations.
- S.L. 2024-16 modified both the language of the health and safety exception and the circumstances under which a person wearing a medical mask must remove it.

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Medical Masks (cont.)

S.L. 2024-16 (HB237), §1

New law (amending G.S. 14-12.11)

- The general prohibition on wearing masks in certain places or circumstances does not apply to a person wearing a **medical or surgical mask** for the purpose of **preventing the spread of contagious disease**.
- A person wearing a medical mask in one of the regulated places or circumstances must:
 - Remove it **upon request of a law enforcement officer**.
 - Remove it **temporarily upon request of the owner or an occupant** of the property in order to allow identification of the wearer.
- An uncodified subsection states that nothing in these new provisions may be interpreted to limit, replace, or conflict with protections or remedies provided under the Americans with Disabilities Act or other applicable federal or state law.
- Effective June 27, 2024.

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Cigar Bars

S.L. 2024-41 (S8527), §36.(B)

What is a cigar bar?

- G.S. 130A-492(2) defines "cigar bar" as an establishment that has an alcoholic beverage permit and:
 - Generates 60% or more of its quarterly gross revenue from the sale of alcohol,
 - Generates 25% or more of its revenue from the sale of cigars,
 - Has a humidor on the premises, and
 - Does not allow individuals under the age of 21 to enter the premises.



Image source: pexels.com

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Cigar Bars (cont.)

S.L. 2024-41 (SB527), §36.(B)



Background

- Legislation enacted in 2009 prohibited smoking in most restaurants and bars.
- The 2009 legislation provided an exception for cigar bars, provided that smoke did not migrate into an enclosed area where smoking is prohibited (such as a restaurant or another bar).
- In addition, any cigar bar that began operation after July 1, 2009 was required to be located in a freestanding structure occupied solely by the cigar bar.

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Cigar Bars (cont.)

S.L. 2024-41 (SB527), §36.(B)

New law (amending G.S. 130A-496)

- A cigar bar that does not serve prepared food is no longer required to be in a freestanding structure occupied solely by the cigar bar, provided that smoke from the cigar bar does not migrate into an enclosed area where smoking is prohibited.
- If a cigar bar serves prepared food, it is still subject to the freestanding structure requirement.
- "Prepared food" is defined in G.S. 105-164.4L and includes food that is heated by the retailer, as well as food that is composed of two or more items mixed or combined by the retailer for sale as a single item.
- Effective December 1, 2024.

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Youth Access to Nicotine Products

S.L. 2024-31 (HB900), §2

New law (amending G.S. 14-313)

- "Alternative nicotine product" is defined as any noncombustible product that contains natural or synthetic nicotine and is intended for human consumption by any means (chewed, absorbed, dissolved, ingested, or other means).
- Youth access to alternative nicotine products (ANP) is restricted in several ways:
 - No person may sell or distribute an ANP to a person under the age of 18.
 - No person under the age of 18 may purchase an ANP.
 - Internet and other remote distributors and sellers of ANP must perform age verification.
 - No person may send a person under the age of 18 to purchase or otherwise acquire an ANP (with exceptions for law enforcement conducting compliance actions and NCDHHS conducting research with parental permission).

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Youth Access to Nicotine Products (cont.)

S.L. 2024-31 (HB900), §2

New law (amending G.S. 14-313) (cont.)

- Required signs must now include ANPs:
 - Retail distributors must prominently display a sign that states that NC law prohibits the purchase of tobacco products, **alternative nicotine products**, vapor products, and cigarette wrapping papers by persons under the age 18.
- Statewide uniformity in product regulation now extends to ANPs:
 - No political subdivisions, boards, or agencies of the state or local governments may enact ordinances or rules concerning the sale, distribution, display, or promotion of tobacco products, cigarette wrapping papers, vapor products, or **alternative nicotine products**.
- Effective July 3, 2024.

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On-site Wastewater (OSWW): Private Compliance Inspectors

S.L. 2024-49 (SB166), §§4.4 & 4.5

- Amends G.S. Ch. 90A, Art. 5 to create the occupational category of "Private Compliance Inspector" (PCI), a person who is hired by the owner of a wastewater system, a contractor, a Professional Engineer (PE), or an Authorized OSWW Evaluator (AOWE) to perform inspections for new OSWW systems or repairs of old OSWW systems.
- PCIs must meet minimum education and experience requirements and must be certified by the NC OSWW Contractors and Inspectors Certification Board.



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On-site Wastewater (OSWW): Private Compliance Inspectors (cont.)

S.L. 2024-49 (SB166), §§4.4 & 4.5

- PCIs may inspect OSWW systems for compliance with construction authorizations or notices of intent issued under the OSWW statutes in G.S. Ch. 130A, Art. 11, *provided*:
 - The PCI is not the contractor or an employee of the contractor installing the system,
 - The PCI holds sufficient omissions and error and liability insurance for the project,
 - The PCI has the written approval of the AOWE or PE,
 - The PCI documents the inspection on a specified form, and
 - The PCI delivers the required form to the appropriate person (owner, AOWE, or PE).
- NCDHHS, local health departments, and their authorized agents are released from "any liabilities, duties, and responsibilities imposed by statute or common law" arising out of or attributed to inspections of OSWWs by PCIs.
- Effective January 1, 2025.
- Resource for local health departments: NCDHHS position statement, *Amend On-Site Wastewater/Environment Statutes*, from Wilson Mize, On-Site Water Protection Branch, September 13, 2024.

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OSWW: Certain Permit Extensions

S.L. 2024-57 (SB382), § 1D.4

- OSWW improvement permits, construction authorizations, and notices of intent that would otherwise expire are now valid for up to 10 years from their date of issuance in counties designated in the President's major disaster declaration for Helene.
- Permit holders must still comply with applicable laws and rules, including required inspections, and health departments may pursue enforcement actions for noncompliance.
- Applies to permits that were current or valid at any time from January 1, 2024 through December 11, 2024.
- Resource for local health departments: NCDHHS position statement, *Septic System Permit Extensions, Temporary Water Supplies, and Temporary Housing Connections*, from On-Site Water Protection Branch, December 12, 2024.

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OSWW: Temporary Housing Connections

S.L. 2024-57 (SB382), § 1D.9

- Local health departments may not deny a homeowner the right to connect temporary housing to an existing subsurface wastewater treatment and dispersal system for up to 12 months or until permanent housing is established, whichever comes first.
- Homeowner must sign an affidavit developed by NCDHHS.
- No cause of action arising from the homeowner's decision to take this action may be pursued against NCDHHS or its employees, agents, or contractors.
- Expires June 1, 2025.
- Resources for local health departments: NCDHHS Dec. 12 position statement, affidavit form.

The image shows a form titled "AFFIDAVIT OF ON-SITE WASTEWATER SYSTEM CONNECTION TO EXISTING SUBSURFACE WASTEWATER TREATMENT AND DISPERSAL SYSTEM". The form includes fields for the homeowner's name, address, and signature, as well as a section for the local health department's signature and date. The form is provided by NCDHHS and is intended to be signed by the homeowner to allow for temporary housing connections.

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On-site Wastewater (OSWW): Changes to Rules

S.L. 2024-49 (SB166), §§4.10, 4.15, 4.20, 4.21, 4.22, 4-23, 4-24, 4-25, 4-26, 4-27, 4-29, 4-30, 4.31, 4.41

• The following sections of the OSWW rules in NC Administrative Code, Title 15A, Subchapter 18A, were modified by this legislation, effective September 11, 2024:

.0102	Applicability	.0703	Pipe Materials
.0206	Existing System Approvals for Reconnections & Property Additions	.0801	Septic Tank Capacity Requirements
.0401	Design Daily Flow	.0805	Tank Leak Testing & Installation Requirements
.0508	Available Space	.0902	Conventional Wastewater Systems
.0601	Location of Wastewater Systems	.0904	Large Diameter Pipe Systems
.0701	Collection Sewers	.0905	Prefabricated Permeable Block Panel Systems
.0702	Raw Sewage Lift Stations	.1306	System Malfunction & Repair

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Background: Local Health Director Qualifications

- Every county in North Carolina is served by a local health department (LHD)
 - 86 LHDs that serve all 100 counties
 - Every LHD is led by a local health director
 - Local health directors have statutorily-assigned powers and duties related to public health, such as authority to investigate outbreaks of communicable disease
- Education and experience requirements for being a local health director are set out at G.S. 130A-40(a)

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Changes to Local Health Director Qualifications

S.L. 2024-34 (SB425), §§ 3.(A)

• **Qualifications before the legislative change:**

- (1) A medical doctorate;
- (2) A master's degree in public health administration, and at least one year of employment experience in health programs or health services;
- (3) A master's degree in a public health discipline other than public health administration, and at least three years of employment experience in health programs or health services;
- (4) A master's degree in public administration, and at least two years of experience in health programs or health services;
- (5) A master's degree in a field related to public health, and at least three years of experience in health programs or health services; or
- (6) A bachelor's degree in public health administration or public administration and at least three years of experience in health programs or health services.

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Changes to Local Health Director Qualifications (cont.)

S.L. 2024-34 (SB425), §§ 3.(A)

• **Qualifications after the legislative change:**

[...] (6) A bachelor's degree in a field related to public health administration or public administration and at least three years of experience in health programs or health services, which must include at least three years of supervisory experience.

• **What is the impact?**

- More people expected to be eligible to serve as local health director.

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Local Health Director within a Consolidated Human Services Agency (CHSA)

S.L. 2024-34 (SB425), §§ 3.(B)

• **Before:**

- In a CHSA, the human services director had to appoint someone who meets the qualifications of a local health director, as set out in G.S. 130A-40(a)
- Unclear if that person was the only one who could wield local health director powers (e.g., isolation)

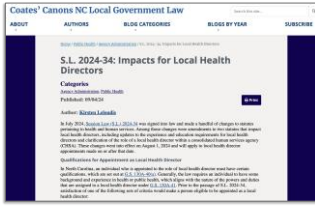
Now:

- Human services director must appoint someone who meets the local health director qualifications "to serve as local health director"
- Effective Aug. 1, 2024; applies only to appointments made after Aug. 1, 2024

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Local Health Director Qualifications: More Information



Link: <https://canons.sog.unc.edu/2024/09/s-1-2024-34-local-health-directors/>

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Background: Mandatory Reporting

Summary of Mandatory Reporting Requirements for Local Health Departments (LHDs) Serving Minors (July 2023)

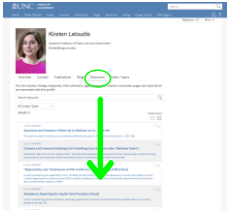
	DSS	Law Enforcement
Who is the report made to?	Child Welfare Services (CWS)	Police, Sheriff's Office, or District Attorney's Office
Who is the report made by?	Child Welfare Services (CWS)	Police, Sheriff's Office, or District Attorney's Office
Who must report?	All persons ("universal")	All persons ("universal")
Timing of report	Law does not specify (but given risks to child health and safety, reporting should not be delayed)	As soon as practicable before, during, or after the child's treatment
Is there a penalty for failure to report or providing incorrect information for good faith reporting?	Yes	Yes
Statutes	G.S. 7B-202; 7B-301	G.S. 14-328.6; G.S. 14-328.6-1

Exception: Some situations may trigger a requirement to make a report to both DSS and law enforcement. When this occurs, a person cannot make a report to just one agency (e.g., reporting to DSS, but not law enforcement) in satisfaction of their total reporting duties. Instead, reports to both agencies must be made. **Disclaimer:** Items such as "abuse," "neglect," "physical injury," etc., have specific meanings under NC law. Definitions can be found by reading the relevant statutes.

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Mandatory Reporting Chart



Link: <https://www.sog.unc.edu/resources/legal-summaries/mandatory-reporting-health-care-providers-chart>

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Summary of Mandatory Reporting Requirements for Local Health Departments (LHDs) Serving Minors (July 2023)

When is the report made to?	DSS	Law Enforcement
When is a report required?	Cause to suspect that a child is abused, neglected, or abandoned or has died due to maltreatment	Know or reasonably should have known that a juvenile was or is the victim of a violent offense, sexual offense, or misdemeanor child abuse
Who must report?	All persons ("universal")	Persons age 18+ (limited exceptions for some professionals with privilege; exception does not include doctors and nurses)
Timing of report	Law does not specify (but given risks to child health and safety, reporting should not be delayed)	Immediately
Criminal penalty for failure to report or preventing a report?	Yes - misdemeanor	Yes - misdemeanor
Immunity for good faith reporting?	Yes	Yes
Statutes	G.S. 79-101; 79-901	G.S. 14-318.6

Footnote: Some situations may trigger a requirement to make a report to both DSS and law enforcement. When this occurs, a person cannot make a report to just one agency (e.g., reporting to DSS, but not law enforcement) in satisfaction of their total reporting duties. Instead, reports to both agencies must be made.
Footnote: Terms such as "abuse," "neglect," "molest," "serious physical injury," etc. have specific meanings under NC law. Definitions can be found by reading the relevant statutes.

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Mandatory Reporting: New Reportable Offense

S.L. 2024-37 (HB591), §§ 2.(D)

- New G.S. 14-190.17C, "obscene visual representation of sexual exploitation of a minor"
 - Must make a report to law enforcement under G.S. 14-318.6

Elements:

- It is a Class E felony for any person to knowingly produce, distribute, receive, or possess with intent to distribute material that meets both of the following criteria:
 - Depicts a minor engaging in sexual activity.
 - Is obscene.
- It is a Class H felony for any person to knowingly possess material that meets both of the following criteria:
 - Depicts a minor engaging in sexual activity.
 - Is obscene.
- It is not a required element of any offense under this section that the minor depicted actually exist.

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Environmental Health: Local Liability and Legal Representation

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Background: Environmental Health- Local Liability and Legal Representation

- Registered environmental health specialist (REHS), a REHS intern (REHSI), or registered environmental health associate (REHA)
 - Typically employed by a local health department (LHD)...
 - ... but authorized to act on behalf of the state by enforcing certain environmental health rules promulgated by the NC Commission for Public Health (CPH)



Images from pexels.com
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Background: Environmental Health- Local Liability and Legal Representation (cont.)

- Before the legislative change:
 - An REHS, REHSI, or REHA working for an LHD was entitled (subject to certain limitations) to legal representation by NC Attorney General's office for lawsuits related to acts or omissions that occurred in the scope and course of enforcing CPH rules



Image from pexels.com
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Environmental Health: Local Liability and Legal Representation

S.L. 2024-49 (SB166), §§ 4.7

- Amends G.S. 143-300.8
- Every LHD must enter into an annual agreement with NCDHHS to provide environmental health services as set forth in G.S. 130A
 - Must include language regarding quality assurance for all the environmental health services
 - If an LHD enters into the agreement, then a REHS, REHSI, or REHA who is employed/contracted by the LHD will be defended by the AG in lawsuits brought against them in their official and/or individual capacities for acts or omissions made in the scope and course of enforcing CPH rules
 - Doesn't apply to enforcement of any local environmental health rules (e.g., onsite wastewater rules)
 - No change: AG's office can still decline to represent the REHS, REHSI, or REHA for certain reasons
- No agreement? AG won't represent the REHS, REHSI, or REHA and NCDHHS won't pay any part of a settlement

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Death Investigations Under the Jurisdiction of the Office of the Chief Medical Examiner (OCME)

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Background: Death Investigations Under the Jurisdiction of the Office of the Chief Medical Examiner (OCME)

"The North Carolina Medical Examiner System is a network of medical doctors and allied health professionals throughout North Carolina who voluntarily devote their time, energy, and medical expertise to see that deaths of a suspicious, unusual or unnatural nature are adequately investigated.

The OCME investigates all deaths in North Carolina due to injury or violence, as well as natural deaths that are suspicious, unusual, or unattended by a medical professional."

– NC OCME website, <https://www.ocme.dhhs.nc.gov/>

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Death Investigations Under the Jurisdiction of the OCME

S.L. 2024-43 (SB166), §§ 1.(A)-1.(D)

- Effective October 1, 2024
Chief Medical Examiner and county medical examiner can continue to...
For all cases: inspect decedent's body, inspect/copy decedent's medical records, collect/inspect decedent's body and personal possessions associated with death (e.g., clothing), and collect tissue/blood samples, cultures, medical images, x-rays, and other medical information
Cases where death is not under criminal investigation: inspect all other physical evidence/documents relevant to determine cause and manner of death; can issue administrative search warrant to do this

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Horizontal lines for notes on page 43.

Death Investigations Under the Jurisdiction of the OCME (cont.)

S.L. 2024-43 (SB166), §§ 1.(A)-1.(D)

- But, going forward, in cases where the death is under criminal investigation, the Chief Medical Examiner or county medical examiner cannot:
Issue an administrative search warrant
Inspect other physical evidence/documents at the scene (except as permitted by the investigating law enforcement agency)
District attorney (DA) or investigating law enforcement agency must notify the Chief Medical Examiner, county medical examiner, or autopsy center about deaths that are under criminal investigation
Chief Medical Examiner or county medical examiner still allowed to be present when the investigating law enforcement agency executes a search warrant

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Horizontal lines for notes on page 44.

Death Investigations Under the Jurisdiction of the OCME (cont.)

S.L. 2024-43 (SB166), §§ 1.(A)-1.(D)

- Other key changes:
Before: medical examiner's investigation report could be forwarded to the DA (not req'd)
Now: "a complete copy of the medical examiner investigation file" shall be provided to the DA upon request if the death is under criminal investigation

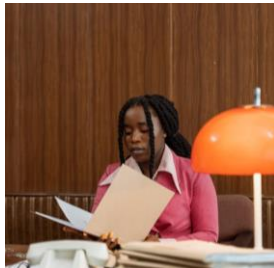


Image from pixels.com

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Death Investigations Under the Jurisdiction of the OCME (cont.)

S.L. 2024-43 (SB166), §§ 1.(A)-1.(D)

- Other key changes:
 - Before: a complete autopsy must be performed if the DA asserts that there is probable cause to believe that G.S. 14-18.4 (death by distribution law) was violated
 - Now: DA has at least 72 "weekday" hours after pronouncement of death to assert that there is probable cause to believe G.S. 14-18.4 was violated and to require an autopsy
 - Caveat: within 24 hours of pronouncement of death, DA or law enforcement must notify medical examiner that such an assertion *might* be made
 - Clarification that DA may, but is not req'd to, share the facts supporting probable cause determination

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Social Services Legislation

Kristi Nickodem

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Child Fatality Prevention System Changes

S.L. 2023-134, AS AMENDED BY S.L. 2024-1 AND 2024-57

- **JULY 1** - each county must have a local multidisciplinary child death review team (G.S. 7B-1406.5).
 - Mandatory review of certain deaths, permissive review of active CPS cases
- Each BOCC must determine whether the county will have its own single county Local Team or be part of a multicounty Local Team -- G.S. 7B-1406.5(b)
- **G.S. 7B-1407**– list of different local officials and individuals who must be represented on the local team



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Child Fatality Prevention System Changes

S.L. 2023-134, AS AMENDED BY S.L. 2024-1

- Right of access to records includes police investigations data, medical examiner investigative data, health records, mental health records, and social services records.
- May apply for a court order to compel disclosure of the information relevant to a case review, if the requesting entity has not received the requested information within 30 days (G.S. 78-1413(a1)).
- NC will begin using a national data system used by 48 other states that will help collect and utilize the info learned from reviews (2026).



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Citizen Review Panels for the Child Welfare System

S.L. 2023-134, AS AMENDED BY S.L. 2024-1

- As of **July 1, 2025**, at least three Citizen Review Panels must exist in the state (G.S. 108A-15.20)
 - Broad right of access to information; confidentiality requirements
 - May review child fatalities, near fatalities, and active CPS cases
- Aligns North Carolina with CAPTA
- Must release an annual report to the public



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Child Advocacy Centers, Child Medical Evaluations, and Multidisciplinary Team Information Sharing: New Law Goes into Effect on July 1

This entry was contributed by Keri Nixson on June 27, 2024 at 9:00 am and is filed under Social Services, Unsubstantiated.

Across North Carolina, there are 55 child advocacy centers (CACs) providing services to children who have experienced maltreatment, including physical or sexual abuse. County departments of social services and local law enforcement agencies often coordinate with CACs to conduct child medical evaluations and forensic interviews in investigations of child maltreatment. On July 1, 2024, a new law goes into effect that regulates CACs, creates new mandatory multidisciplinary teams involving CACs (with statutorily prescribed membership requirements), authorizes information sharing between members of a CAC multidisciplinary team, and provides new confidentiality protections for a child's CAC records and information. Read on to learn more about how [Session Law 2023-98](#) affects cases referred to a CAC by departments of social services or law enforcement agencies.

Continue Reading →

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Child Advocacy Centers

S.L. 2023-96

Establishes requirements that CACs must meet in order to receive state or federal funds allocated by the General Assembly or a state agency



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Child Advocacy Centers

S.L. 2023-96

Each CAC required to maintain a **multidisciplinary team** that includes:

- Member of participating law enforcement agencies.
- District attorney or assistant district attorney.
- Member of a DSS CPS unit.
- Local mental health provider.
- Local health care provider.
- Victim advocate.
- CAC staff.



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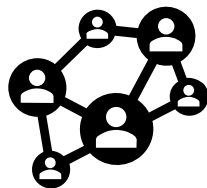
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Child Advocacy Centers

S.L. 2023-96

G.S. 108A-77.3:

- DSS may share information “relevant to the protection of a child” with the MDT
- Chief District Court Judge may enter an admin order designating local agencies to share information concerning a case of suspected maltreatment in which a DSS is *not* involved



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Child Advocacy Centers

S.L. 2023-96

Two administrative orders re: local information sharing



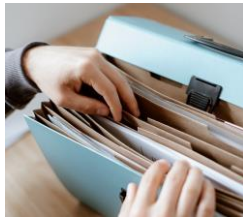
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Child Advocacy Centers

S.L. 2023-96

- **DSS cases** -CME, forensic interview, and any other information received by DSS from a CAC are all governed by child welfare confidentiality statutes
- **LE cases** - establishes confidentiality for CAC records.
- **All other CAC records** of a child may only be disclosed by court order.



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Legislation Concerning Pornography on Government Devices and Networks

Kristi Nickodem

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Viewing of Pornography on Gov't Devices and Networks
S.L. 2024-26 (enacts G.S. 143-805)

A "public agency" (includes any unit of local government) shall not:

- permit the viewing of pornography by its employees on a network of that public agency.
- permit an employee, elected official, appointee, or student of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency.



"**Pornography**"—any material depicting "sexual activity" as defined in **G.S. 14-190.13**

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Viewing of Pornography on Gov't Devices and Networks
S.L. 2024-26 (enacts G.S. 143-805)

• Does not apply if official or employee is:

- Investigating or prosecuting crimes, offering or participating in LE training, or performing actions related to other LE purposes.
- Identifying potential security or cybersecurity threats
- Protecting human life.
- Participating in judicial or quasi-judicial proceedings.



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Viewing of Pornography on Gov't Devices and Networks S.L. 2024-26 (enacts G.S. 143-805)

- Each public agency must have a policy in place by **January 1, 2025** governing the use of network and devices– must include potential disciplinary actions.
- Annual report of unauthorized viewing to State CIO
- Uncodified provision of [S.L. 2024-26](#) requires employees, elected officials, appointees, and students of each public agency who have pornography saved to a device owned, leased, maintained, or otherwise controlled by the public agency to remove, delete, or uninstall that pornography no later than **January 1, 2025**



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Amended G.S. 162-62 and ICE Detainers

S.L. 2024-55 (HB10)

- If D. is charged with certain offenses, jail must attempt to determine the person's immigration status
- Applies to felony drug offenses, DVPO violations, class A1 and higher assaults, and certain serious felonies and gang offenses)



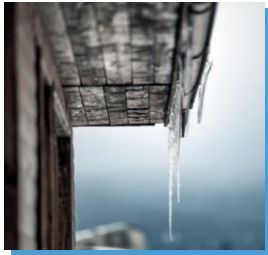
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Amended G.S. 162-62 and ICE Detainers

S.L. 2024-55 (HB10)

- When a jail receives an ICE detainer or warrant, they must produce the D. before a judicial official to determine if D. is the person named in the detainer without unnecessary delay
- If so, the judicial official must order D. held up to 48 hours, unless ICE picks D. up or rescinds the detainer



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2024 Updates to the Federal Uniform Guidance

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Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards "Uniform Guidance." 2 C.F.R., Part 200

UG UPDATE EFFECTIVE FOR AWARDS MADE ON OR AFTER OCTOBER 1, 2024

- Uniform Guidance first implemented in December 2014
- OMB is required to review/update the UG every 5 years (2 C.F.R. 200.109)
- Most recent update effective October 1, 2024
 - Redline document available
- Federal agencies must submit implementation plans; agencies may elect to adopt the updates early, but not before June 21, 2024

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Resources

- Implementation memorandum
- Reference guide
- Redline document

2 CFR Because 2001 Confirmed Compliance System

for disciplinary actions to be applied for violations of such standards by officials, employees, [§ 200.101](#), agents of the non-Federal entity, or [§ 200.101\(b\)\(3\)](#).

(2) If the non-Federal entity or [§ 200.101\(b\)\(3\)](#) has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity or [§ 200.101\(b\)\(3\)](#) must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest circumstances that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity or [§ 200.101\(b\)\(3\)](#) is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(4) [§ 200.101\(b\)\(3\)](#) shall ensure that the non-Federal entity or [§ 200.101\(b\)\(3\)](#) procedures must avoid the acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. [§ 200.101\(b\)\(3\)](#) appropriate, an analysis [§ 200.101\(b\)\(3\)](#) for needs of business operations information technology and any other enterprise-wide requirements project or [§ 200.101\(b\)\(3\)](#) to determine the most economical approach.

(6) To ensure proper economy and efficiency of procurement arrangements and strategic sourcing, when appropriate for the procurement or use of services or shared goods and services, [§ 200.101\(b\)\(3\)](#) and its successor shall allow to promote and effective use of shared services across the Federal Government, the non-Federal entity [§ 200.101\(b\)\(3\)](#) are encouraged to enter into [§ 200.101\(b\)\(3\)](#) and local intergovernmental agreements or state entity agreements where appropriate for the procurement [§ 200.101\(b\)\(3\)](#) or use of services or shared goods or [§ 200.101\(b\)\(3\)](#).

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2 C.F.R. Part 200, Uniform Guidance



- Subpart A – Acronyms and Definitions
- Subpart B – General Provisions
- Subpart C – Pre-Award Requirements
- ➡ Subpart D – Post-Award Requirements
- ➡ Subpart E – Cost Principles
- ➡ Subpart F – Audit Requirements
- Appendices I - IX

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Definitions and General Provisions

- Replaced "non-federal entity" with "recipient" and "subrecipient"
 - Except in Subpart F – Single Audit
- "Federal awarding agency" is now "federal agency"
- "Cost share and matching funds" is now "cost share."
- **Clarifies that second-tier subrecipients and contractors do not need UEI**
 - Subrecipients are required to obtain a UEI; they are not required to complete full Sam.gov registration
 - Second-tier subrecipients not require to obtain a UEI
 - Contractors are not required to obtain a UEI

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Threshold Increases

- **Single Audit threshold** increased from \$750,000 to \$1 million.
- **Modified Total Direct Cost (MTDC)** – Increased the amount of each subaward that may be included in the MTDC calculation from \$25,000 to up to the first \$50,000* of each subaward.
- **Fixed amount subawards threshold increased to \$500,000.** With prior written approval from the Federal agency, the recipient may provide subawards based on fixed amounts up to \$500,00 (previously \$250,000).
- **De minimis indirect cost rate now 15%.** The *de minimis* rate for charging indirect costs to federal awards is now "up to" 15 percent (previously 10 percent).

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Subpart E, Cost Principles

FACTORS AFFECTING THE ALLOWABILITY OF COSTS

- Administrative closeout costs may be incurred until the due date of the final report(s). (200.403(h)).
- No prior written approval required for the following costs:
 - Direct costs for administrative salaries
 - Entertainment
 - Memberships
 - Participant support
 - Selling and marketing
 - Taxes
- Even absent prior approval, must follow the Cost Principles!

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Subpart D, Property Management

EQUIPMENT & SUPPLIES

- Acquisition value for equipment and supplies increased from \$5,000 to \$10,000
- Equipment has (1) a useful life of more than one year and (2) a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the recipient or subrecipient for financial statement purposes, OR **\$10,000**.
- Equipment valued at \$10,000 or less per unit may be retained, sold, or disposed of with no additional responsibility to the federal agency or pass-through entity.
 - Same \$10,000 threshold for the disposal of supplies.

REAL PROPERTY

- New requirement establishing standards for conducting appraisal of real property, when required under the federal award
 - Must use independent appraiser
 - Responsible official of the recipient or subrecipient must certify appraisals

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Subpart D, Procurement

- **Geographic preference** – OMB removed the prohibition on using a geographic preference to select a contractor (200.319)
- **"Small purchase" procedures now "simplified acquisitions"** – This updated terminology is used for purchases in the informal bidding range (\$10,000 - \$250,000)
- **Contract cost and price analysis** – removed the requirement to negotiate profit as a separate element of the price for each contract in which there is no price competition. 200.324
- **New evaluation criteria for determining "responsible" contractors** – Must consider a contractor or firm's "public policy compliance" and "proper classification of employees" pursuant to the Fair Labor Standards Act.
- **Procurement of recovered materials:** Recipients and subrecipients encouraged to acquire or use products that are sustainable, including reused, refurbished, and recycled products; biobased or energy and water efficient acquisitions; and compostable items. [200.323(b)].

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Subpart D, Procurement

CONTRACTING WITH MWBE FIRMS

- **No more affirmative steps** – Instead of taking "affirmative steps" to solicitate participation of small businesses, minority and women's business enterprises, recipients and subrecipients must *"consider"* (MWBEs), when possible.
- **Veteran-owned businesses added to solicitation requirements** (200.321)

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Additional Updates

- **Telecommunications + surveillance equipment or services** – emphasized the prohibition against using federal awards to purchase covered equipment. (200.216)
- **Internal Control** –Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information.
- **Whistleblowers Protections** – An employee of a recipient or subrecipient must not be discharged, demoted, or otherwise discriminated against for disclosing information the person “reasonably believes” is evidence gross mismanagement, gross waste, abuse of authority, s substantial and specific danger to public health or safety, or a violation of laws, rules, or regulations. (200.217)
- **Three-year record retention period starts upon submittal of final report**

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Elections Legislation

Bob Joyce

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The State Board of Elections

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The Authority of the State Board

G.S. 163-22

§ 163-22. Powers and duties of State Board of Elections.

(a) The State Board of Elections shall have general supervision over the primaries and elections in the State, and it shall have authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable so long as they do not conflict with any provisions of this Chapter.

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How State Board Composed and Appointed 1901

S.L 1901-89

Starting in 1901

- 5 members
- Appointed by the Governor
- No more than 3 of the same political party

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How State Board Composed and Appointed

From 1901 to 2017

- The same
- Except Governor appoints from party nominees

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How State Board Composed and Appointed 2017

S.L. 2017-6

2017

- Bipartisan State Board of Elections and Ethics Enforcement
- 8 members
- 4 of each party
- Governor names from list of six from each party

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How State Board Composed and Appointed 2018

COOPER V. BERGER, 371 N.C. 799

2018

North Carolina Supreme Court:

"[T]he provisions of Session Law 2017-6 concerning the membership of and appointments to the Bipartisan State Board, taken in context with the other provisions of that legislation, impermissibly interfere with the Governor's ability to faithfully execute the laws in violation of Article III, Section 5(4), of the North Carolina Constitution."

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How State Board Composed and Appointed 2018

S.L. 2018-2

Still 2018

General Assembly:

- OK, make it 9
- The 4 + 4 with one more: an unaffiliated person
- Governor names the unaffiliated member from a list of two chosen by the 8.
- "[T]he purpose of this legislation is to implement the decision of the North Carolina Supreme Court in Cooper v. Berger."

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How State Board Composed and Appointed 2018

S.L. 2018-146

Still 2018

- Superior court panel: Still unconstitutional
- Referendum to amend constitution to go to the 4 + 4 board fails
- General Assembly: OK, back to the 3 + 2 with Governor appointments

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How State Board Composed and Appointed 2023

S.L. 2023-139

2023

Massive overhaul

8 members, all appointed by the General Assembly

- 2 on recommendation of President Pro Tempore of the Senate
- 2 on recommendation of the Speaker of the House
- 2 on recommendation of the minority leader of the Senate
- 2 on recommendation of the minority leader of the House

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How State Board Composed and Appointed 2024

COOPER, III V. BERGER, 2024 WL 3489518

March 2024

Superior court panel: This arrangement is unconstitutional, too.

"[T]he Session Law infringes upon the Governor's constitutional duties. . . . [The legislature's] actions are the most stark and blatant removal of appointment power from the Governor since *McCrory* and *Cooper I*. . . . [T]he Session Law must be permanently enjoined."

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How State Board Composed and Appointed 2024

Where did that leave things?

- The injunction went on appeal to the Court of Appeals.
- The 1901-2017 scheme stayed in place, as long as the injunction was in place.

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How State Board Composed and Appointed 2024

Where did that leave things?

- The injunction went on appeal to the Court of Appeals.
- The 1901-2017 scheme stayed in place, as long as the injunction was in place.
- Or until the General Assembly did something different.

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How State Board Composed and Appointed 2024

S.B. 382

November 20

- The General Assembly did something different.
- Keep the 1901-2017 scheme, but it is the State Auditor, not the Governor, who makes the appointments.

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How State Board Composed and Appointed 2024

S. B. 382

November 20

- The General Assembly did something different.
- Keep the 1901-2017 scheme, but it is the State Auditor, not the Governor, who makes the appointments.

November 26

- The Governor vetoes the bill.
- "This legislation . . . violates the constitution by taking appointments away from the next Governor for the Board of Elections."

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How State Board Composed and Appointed 2024

S.L. 2024-57

December 2

The Senate votes to override the veto

December 12

The House votes to override the veto

The new bill is now law.

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Now What?

SEPARATION OF POWERS

2017: 8 member (4 + 4) board: held unconstitutional by state supreme court

2018: 9 member (4 + 4 + 1) board: held unconstitutional by superior court

2023: 8 member board appointed by the General Assembly: held unconstitutional

2024: 5 member (3 + 2) board appointed by the Auditor: ?

Governor's language in veto: "taking appointments away from the next Governor"

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How County Boards are Composed and Appointed

Stay as they have been since 1901.
Every county board has a majority that is of the same party as the Governor Auditor.

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Ordinance Enforcement Background

G.S. 160A-175 (CITIES); G.S. 153A-123 (COUNTIES)

- Local governments may "impose fines and penalties for violation of its ordinances, and may secure injunctions and abatement orders to further insure compliance with its ordinances . . ."
- An ordinance violation "may be a misdemeanor or infraction as provided by G.S. 14-4 *only if* the [local government] specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4."
- No ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

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Misdemeanor Violation of Local Ordinance

G.S. 14-4

- "If any person shall violate an ordinance . . . he shall be guilty of a **Class 3 misdemeanor** and shall be fined not more than five hundred dollars (\$500.00)."
 - Default fine is \$50 "unless the ordinance expressly states that the maximum fine is greater"
- Violation of an ordinance regulating parking constitutes infraction and penalty shall not exceed \$50
- Affirmative defense to prosecution of misdemeanor charge

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Amendments to Affirmative Defense

S.L. 2024-57 (S.B. 382); G.S. 14-4(C)

MODIFY STATUTE SHIELDING INDIVIDUALS FROM PROSECUTION RELATED TO CERTAIN LOCAL ORDINANCES

SECTION 2D.1.(a) C.S. 14-4(c) reads as rewritten:
“(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

- (1) No new alleged violations of the local ordinance within **30 days-12 months** from the date of the initial alleged violation.
- (2) The person provides **documented** proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance.”

SECTION 2D.1.(b) This section becomes effective January 1, 2025, and applies to offenses committed on or after that date.

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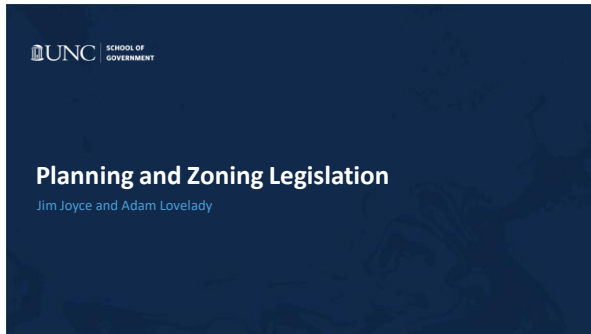
SOG Scholarship

BLOGS

- [Legislature Decriminalizes Local Ordinances](#) (Frayda Bluestein)
- [North Carolina's Decriminalization of Most Local Ordinance Violations](#) (Jeff Welty)
- [Grants Pass: Local Government Authority and the Constitutionality of Laws Against Camping or Sleeping in Public](#) (Jeff Welty & Rebecca Fisher-Gabbard)
- Forthcoming post about recent legislative changes to the affirmative defense

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Permit Delivery

SESSION LAW 2024-45 (SB 607) SEC. 22.1

- New G.S. 143-162.6 (for state agencies), 153A-461 (for counties), and 160A-499.6 (for cities).
- No more requiring permittees to pick up permits in person BUT they can choose to do so if the agency allows it.
- Must send permits via US Mail, delivery service, or (if permittee consents in advance) by e-mail BUT can charge for cost of delivery.
- No change to permit application methods.
- Adopt a policy for permit delivery that is consistent with the statute by **September 1, 2024**.

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Coastal Areas

S.L. 2024-45 (SB 607)

- Multiple provisions in SB 607 related to coastal matters, all effective on the first day of a month 60 days after Secretary certifies NOAA approval to the Revisor of Statutes.
- **Piers (sec. 15.1 and 15.2)**: No CAMA permit required for rebuilding of docks, piers, and walkways that are damaged or destroyed by natural causes. Instead, inspection department must notify DEQ DCM of the replacement of a dock, pier, catwalk, or walkway that has been replaced within 60 days of inspection.
- **Aquaculture exemption (sec. 16.1)**: exempts floating structures used primarily for aquaculture and associated with an active shellfish cultivation lease from the definition of "development" that triggers CAMA permitting requirements.

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On-Premises Sign removal

SESSION LAW 2024-45 (SB 607) SEC. 23.1

- Adds a new G.S. 160D-912.1
 - "on-premises advertising" -- "A sign **visible from** any local or State road or highway that **advertises activities** conducted **on the property** ... or **advertises the sale or lease** of the property upon which it is located."
- May relocate or reconstruct
 - Comply with rules when constructed
 - No increase in "total advertising surface area"
 - Relocation / reconstruction begins within 24 months of removal

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On-Premises Sign removal

SESSION LAW 2024-45 (SB 607) SEC. 23.1

- If local government requires removal of a lawfully-erected on-premises sign, must pay compensation equal to
 - (i) greater of FMV prior to removal OR diminution in value of property from removing sign PLUS
 - (ii) cost of a new conforming sign
 - Local government then owns the sign and is responsible for removing it.
- Applies to on-premises advertising signs **removed on or after October 1, 2021**. For signs removed between that date and July 9, 2024, relocation or reconstruction must begin by July 9, 2026.

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Subdivision Performance Guarantees

S.L. 2024-49 (SB 166) SEC. 1.12

- Amends G.S. 160D-804.1 (authorizing subdivision performance guarantees) as follows
 - Must inspect improvements within 30 days of the developer request and advise if the improvements meet applicable standards
 - If there is a dispute about meeting applicable standards, the developer may obtain certification under seal from a licensed professional engineer.
 - A local government must return or release a performance guarantee within 30 days of acknowledging completion or receipt of an engineer’s certification.
 - Performance guarantees may not be required for maintenance of an improvement after completion.

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Subdivision -- Curb and Gutter Standards

S.L. 2024-49 (SB 166) SEC. 1.8

- Amends G.S. 160D-804 relating to subdivision standards, adding a new subsection (k).
- Developer can use NCDOT curb and gutter design standards for subdivision roads “adjacent to, and serving, dwellings subject to the North Carolina Residential Code” regardless of ordinance standards.

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Stormwater

MAINTENANCE FUND REIMBURSEMENT [S.L. 2024-49 (SB 166) SEC. 4.1]

- Background (S.L. 2023-108 s 13)
 - NO collecting funds for maintenance of private stormwater facilities (G.S. 160D-925)
 - Local governments must make funds available for maintenance, repair, replacement
- New (S.L. 2024-49 s 4.1):
 - Local government must "upon request of the owner ... immediately refund the monies to the owner of the stormwater control project..."

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Stormwater

BUILT UPON AREA [S.L. 2024-49 (SB 166) SEC. 4.4B]

- New G.S. 143-214.7D reorganizes definition of "built-upon area" and its exemptions
- New exemption:
 - (6) Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.
- Local governments must use this definition and may not enact or implement an ordinance that establishes a different definition of 'built-upon area' or impervious surface.

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Water and Sewer

CONDITIONS FOR RESIDENTIAL [S.L. 2024-45 (SB 607) SEC. 12 AND 2024-49 (SB 166)] SEC. 4.49

- New G.S. 162A-900
- **Illegal requirements and conditions:** Cannot require an applicant for water or sewer services for residential development to agree to a condition not otherwise authorized by law nor may an applicant offer to consent to such a condition. These include:
 - (1) Payment of taxes, impact fees or other fees, or contributions to any fund.
 - (2) Adherence to any restrictions related to land development or land use, including those in G.S. 160D-702(c) [minimum square footage for residential structures, parking space size, fire apparatus access roads].
 - (3) Adherence to any restrictions related to building design elements

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Water and Sewer

SCORING SYSTEMS [S.L. 2024-45 (SB 607) SEC. 12 AND 2024-49 (SB 166)] SEC. 4.49

- No scoring or preference system for allocating water and sewer service that:
 - (1) Includes consideration of building design elements, as defined in G.S. 160D-702(b).
 - (2) Sets a minimum square footage of any structures subject to the North Carolina Residential Code.
 - (3) Requires a parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.
 - (4) Requires additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code.
- For more on the authority and limits for mandating water and sewer connections, see Kara Millonzi's blog post "[Mandating Water & Sewer Connections](#)."

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C-PACE

S.L. 2024-44 (SB 802)

- Authorizes a statewide Commercial Property Assessed Capital Expenditure (C-PACE) program that local governments may join.
- C-PACE program allows owners of commercial property to obtain low-cost, long-term financing (secured by an assessment or lien on the property) for certain improvements such as energy efficiency, water conservation, renewable energy, and resilience.
- The new statutes, G.S. 160A-239.11 et seq., provide for a statewide administrator to consult with stakeholders, provide form documentation, and establish an application and review process. Local governments are authorized to participate through a prescribed process and resolution. The statutes set forth details on immunity and foreclosure, assessments and liens, scope of financing, and more.

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Agricultural Uses

S.L. 2024-32 (S355)

- **Horse boarding an agricultural use:**
 - Section 1 adds "boarding of horses" to definition of "agriculture" in G.S. 106-581.1, which also applies to the zoning exemption in G.S. 160D-903.
 - Also adds "the rearing, feeding, training, caring, boarding, and managing of horses" to operations that qualify for a right to farm defense to nuisance actions under G.S. 106-701 and to the list of agricultural activities to which sedimentation and erosion control regulations do not apply.
- **No beehive regulation in municipal ETJ:** Section 12 of the law amends G.S. 106-645(b), which previously explicitly allowed beehives to be regulated in areas of extraterritorial jurisdiction. Now those regs only apply in city limits.

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Agricultural Uses

S.L. 2024-32 (S355)

- **GIS disclaimer:** Section 13 adds G.S. 153A-463 (for counties) and G.S. 160A-499.8 (for cities) to require GIS tools offered to the public to include a disclaimer that the tool is provided without warranty and customers should consult primary sources to confirm the accuracy of any data provided. The disclaimer needs to be displayed as of January 1, 2025.
- **Bona fide farm stormwater fee exemption:** Section 14 modifies G.S. 153A-277 and G.S. 160A-314 to prohibit cities and counties from imposing stormwater utility fees on any property used for bona fide farm purposes. Unlike the zoning exemption in G.S. 160D-903, this fee exemption applies everywhere in county and municipal jurisdiction, including within city limits. It applies to fees levied on or after July 3, 2024.

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Building Code Effective Date

SESSION LAW 2024-57 (SB382), DISASTER RECOVERY ACT OF 2024 – PART III

- 2024 North Carolina State Building Code shall become effective July 1, 2025

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Building Code Changes

SESSION LAW 2024-49 (SB166)

- New composition for Building Code Council
 - New Permit Technician Certification
 - Rules of Model Homes
 - Local fire code must comply with Residential Code
 - Technical Code Changes
- State Building Code not published in NC Admin Code (Session Law 2024-45 (SB 607))

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Building Code Changes: Fees

SESSION LAW 2024-49 (SB166)

- Inspections fees must support inspections department
 - Clarifies 160D-402
 - aligns with the reporting requirements under G.S. 159-33.1(a) and G.S. 160D-1102(c)
 - Open question about zoning and subdivision fees
- New Permit Technician Certification

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Building Code Changes: Residential Plan Review

SESSION LAW 2024-49 (SB166)

- If local gov performs Residential Plan Review, must perform concurrently with other permit reviews
- Initial review within 20 business days of submission
- 10% refund for each business day after 20

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Building Code Changes: Enforcement

SESSION LAW 2024-49 (SB166)

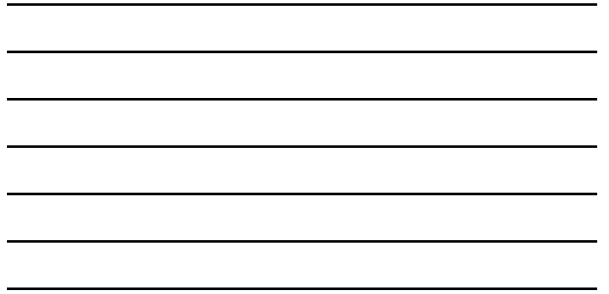
- Inspectors may not require an affidavit of code compliance in lieu of conducting required inspections
- Limit on Rights of Entry: "Administrative staff are prohibited from requiring unrestricted written consent from a permit applicant to enter any premises or areas not open to the public as a condition to accepting an application for, or the issuance of, development approvals."
- Limits on withholding CO; can't withhold for:
 - Landscaping around houses and in common areas
 - Street lighting fixtures within common areas of a subdivision development.

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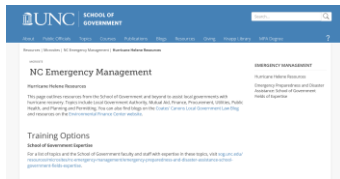


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Helene Recovery

[HTTPS://WWW.SOG.UNC.EDU/RESOURCES/MICROSITES/NC-EMERGENCY-MANAGEMENT/HURRICANE-HELENE-RESOURCES](https://www.sog.unc.edu/resources/microsites/nc-emergency-management/hurricane-helene-resources)



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Helene Recovery Planning and Permitting

[DISASTER RECOVERY ACT OF 2024 \(PART I\), SESSION LAW 2024-51](#),
[DISASTER RECOVERY ACT OF 2024 – PART II, SESSION LAW 2024-53](#)
[DISASTER RECOVERY ACT OF 2024 – PART III, SESSION LAW 2024-57](#)

- Permit Fee Waiver
- Staffing for Building Inspectors
- Permit Extension
- Family Care Home Certification extensions
- Water and Sewer Allocations
- Temporary Housing Rules
- Temporary Water System Approval
- After-the-Fact Sedimentation Permits
- Tree Ordinance Waiver

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No "Down-Zoning" Without Consent

SESSION LAW 2024-57 (SB382)

SUBPART III.K. LOCAL GOVERNMENT

NO LOCAL GOVERNMENT INITIATED DOWN-ZONING WITHOUT CONSENT OF AFFECTED PROPERTY OWNER

SECTION 361.14 G.S. 160D-60(d) reads as rewritten:
 "(d) Down-zoning - No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable initiated, enacted, or enforced without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government amendment. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
- (3) By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element."

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...and Many More...

FOR MORE ON PLANNING AND ZONING

• <https://www.sog.unc.edu/publications/bulletins/2024-north-carolina-legislation-related-planning-and-development-regulation>

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Planning and Zoning Law Bulletin #35
 2024 North Carolina Legislation Related to Planning and Development Regulation
 Adam Lovelady, James Gini Joyce
 Friday, November 8, 2024

During the legislative short session in 2024, the North Carolina General Assembly made notable changes to the laws related to planning and development regulations. As is typical, they adopted a regulatory reform bill, a form bill, a variety of local bills, and others. This bulletin is organized by topic rather than by bill, for example, topics addressed by the regulatory reform bill are dispersed throughout the bulletin's sections.

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