

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-154
HOUSE BILL 206**

AN ACT TO AUTHORIZE THE CITY OF BREVARD, THE TOWN OF ROSMAN,
TRANSYLVANIA COUNTY, AND THE TRANSYLVANIA COUNTY BOARD OF
EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR
CITY AND COUNTY EMPLOYEES AND FOR PUBLIC SCHOOLTEACHERS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding G.S. 66-58, G.S. 115C-518, Article 12 of Chapter 160A of the General Statutes, or any other provision of law, and subject to the restrictions set out in this section, the City of Brevard, the Town of Rosman, Transylvania County, and the Transylvania County Board of Education may enter into a joint venture, land trust, or similar arrangement to construct and provide affordable housing on property owned by the City of Brevard, the Town of Rosman, Transylvania County, or the Transylvania County Board of Education.

SECTION 1.(b) Notwithstanding G.S. 66-58, G.S. 115C-518, Article 12 of Chapter 160A of the General Statutes, or any other provision of law, this section authorizes the City of Brevard, the Town of Rosman, Transylvania County, and the Transylvania County Board of Education to convey property they own to such partnership, joint venture, land trust, or similar entity for the purposes of constructing, providing, and maintaining affordable housing for employees of the City of Brevard, the Town of Rosman, Transylvania County, and Transylvania County schoolteachers, and, if units remain available, to Transylvania County Schools' professional staff. The City of Brevard, the Town of Rosman, Transylvania County, and the Transylvania County Board of Education shall not transfer to the partnership, joint venture, land trust, or other entity created pursuant to this act, property acquired on or after the effective date of this act through the exercise of eminent domain.

SECTION 1.(c) Notwithstanding G.S. 66-58, G.S. 115C-518, Article 12 of Chapter 160A of the General Statutes, or any other provision of law, the City of Brevard, the Town of Rosman, Transylvania County, and the Transylvania County Board of Education, or the partnership, joint venture, land trust, or similar entity referenced above may contract with any person, partnership, corporation, or other business entity to finance, construct, or maintain such affordable housing.

SECTION 1.(d) Notwithstanding G.S. 66-58, G.S. 115C-518, Article 12 of Chapter 160A of the General Statutes, or any other provision of law, the City of Brevard, the Town of Rosman, Transylvania County, and the Transylvania County Board of Education, or the partnership, joint venture, land trust, or similar entity referenced above may rent or sell such housing units for residential use; provided that the rental or sale of such units is exclusively restricted to employees of the City of Brevard, the Town of Rosman, and Transylvania County, and to Transylvania County schoolteachers, and, if units remain not leased or sold, to Transylvania County Schools' professional staff; provided further that, while the housing units may be rented or sold, the land may only be leased and not sold. The City of Brevard, the Town of Rosman, Transylvania County, and the Transylvania County Board of Education, or the partnership, joint venture, land trust, or similar entity referenced above shall have the authority



to establish reasonable rents or sales prices for any such housing units and may in their discretion charge below-market rates and offer below-market financing. The City of Brevard, the Town of Rosman, Transylvania County, and the Transylvania County Board of Education, or the partnership, joint venture, land trust, or similar entity referenced above may also place reasonable restrictions and buyback provisions on the resale of the housing units to maintain the purposes set forth in this section.

SECTION 1.(e) This section shall not exempt any affordable housing units constructed pursuant to this act from compliance with applicable building codes, zoning ordinances, or any other health and safety statutes, rules, or regulations.

SECTION 2. A unit of local government that has implemented its authority under this act must report annually to the Local Government Commission and to the Revenue Laws Study Committee of the General Assembly on the number of housing unit sales and on the median income of the purchasers of the housing units. A unit of local government may designate a local land trust or other nonprofit entity with whom the unit of local government has contracted to manage its affordable housing program under the provisions of this act to fulfill this reporting requirement.

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

In the General Assembly read three times and ratified this the 23rd day of June, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives