

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1217
SENATE BILL 761

1 AN ACT TO PROVIDE ALTERNATIVE METHODS FOR MUNICIPALITIES TO
2 UNDERTAKE HOUSING AND URBAN REDEVELOPMENT FUNCTIONS.

3
4 The General Assembly of North Carolina do enact:

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6 **Section 1.** Chapter 160 of the General Statutes is hereby amended by inserting
7 therein a new section to be designated G.S. 160-457.1 and to read as follows:

8 **"G.S. 160-457.1. Alternative Organization.** (a) In lieu of creating a redevelopment
9 commission as authorized herein, the governing body of any municipality may, if it deems
10 wise, either designate a housing authority created under the provisions of Chapter 157 of the
11 General Statutes to exercise the powers, duties, and responsibilities of a redevelopment
12 commission as prescribed herein, or undertake to exercise such powers, duties, and
13 responsibilities itself. Any such designation shall be by passage of a resolution adopted in
14 accordance with the procedure and pursuant to the findings specified in G.S. 160-457(a) and
15 (b). In the event a governing body designates itself to perform the powers, duties, and
16 responsibilities of a redevelopment commission, then where any act or proceeding is required
17 to be done, recommended, or approved both by a redevelopment commission and by the
18 municipal governing body, then the performance, recommendation, or approval thereof once by
19 the municipal governing body shall be sufficient to make such performance, recommendation,
20 or approval valid and legal. In the event a municipal governing body designates itself to
21 exercise the powers, duties, and responsibilities of a redevelopment commission, it may assign
22 the administration of redevelopment policies, programs and plans to any existing or new
23 department of the municipality.

24 (b) The governing body of any municipality which has prior to the effective date of this
25 section created, or which may hereafter create, a redevelopment commission may, in its
26 discretion, by resolution abolish such redevelopment commission, such abolition to be effective
27 on a day set in such resolution not less than 90 days after its adoption. Upon the adoption of
28 such a resolution, the redevelopment commission of the municipality is hereby authorized and
29 directed to take such actions and to execute such documents as will carry into effect the
30 provisions and the intent of the resolution, and as will effectively transfer its authority,
31 responsibilities, obligations, personnel, and property, both real and personal, to the
32 municipality. Any municipality which abolishes a redevelopment commission pursuant to this
33 subsection may, at any time subsequent to such abolition or concurrently therewith, exercise
34 the authority granted by subsection (a) of this section.

35 On the day set in the resolution of the governing body:

- 36 (1) the redevelopment commission shall cease to exist as a body politic and
37 corporate and as a public body;
38 (2) all property, real and personal and mixed, belonging to the redevelopment
39 commission shall vest in, belong to, and be the property of the municipality;
40 (3) all judgements, liens, rights of liens, and causes of action of any nature in
41 favor of the redevelopment commission shall remain, vest in, and inure to
42 the benefit of the municipality;

- (4) all rentals, taxes, assessments, and any other funds, charges or fees, owing to the redevelopment commission shall be owed to and collected by the municipality;
- (5) any actions, suits, and proceedings pending against, or having been instituted by the redevelopment commission shall not be abated by such abolition, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if abolition had not occurred, and the municipality shall be a party to all such actions, suits, and proceedings in the place and stead of the redevelopment commission and shall pay or cause to be paid any judgment rendered against the redevelopment commission in any such actions, suits, or proceedings, and no new process need be served in any such action, suit, or proceeding;
- (6) all obligations of the redevelopment commission, including outstanding indebtedness, shall be assumed by the municipality, and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the municipality;
- (7) all ordinances, rules, regulations and policies of the redevelopment commission shall continue in full force and effect until repealed or amended by the governing body of the municipality."

Sec. 2. Chapter 157 of the General Statutes is hereby amended by inserting therein a new section to be designated G.S. 157-4.1 and to read as follows:

"G.S. 157-4.1. Alternative Organization. (a) In lieu of creating a housing authority as authorized herein, the council of any city may, if it deems wise, either designate a redevelopment commission created under the provisions of Chapter 160 of the General Statutes to exercise the powers, duties, and responsibilities of a housing authority as prescribed herein, or may itself exercise such powers, duties, and responsibilities. Any such designation shall be by passage of a resolution adopted in accordance with the procedure and pursuant to the finding specified in the first and second paragraphs of G.S. 157-4. In the event the council of any city designates itself to exercise the powers, duties, and responsibilities of a housing authority, then where any act, proceeding, or approval is required to be done, recommended, or approved both by a housing authority and by the council of the city, then the performance, recommendation, or approval thereof once by the council of the city shall be sufficient to make such performance, recommendation, or approval valid and legal. In the event the council of the city designates itself to exercise the powers, duties, and responsibilities of a housing authority, it may assign the administration of the housing programs, projects, and policies to any existing or new department of the city.

(b) The council of any city which has prior to the effective date of this section created, or which may hereafter create, a housing authority may, in its discretion, by resolution abolish such housing authority, such abolition to be effective on a day set in such resolution not less than 90 days after its adoption. Upon the adoption of such a resolution, the housing authority of the city is hereby authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of the resolution, and as will effectively transfer its authority, responsibilities, obligations, personnel, and property, both real and personal, to the city. Any city which abolishes a housing authority pursuant to this subsection may, at any time subsequent to such abolition or concurrently therewith, exercise the authority granted by subsection (a) of this section.

On the day set in the resolution of the council:

- (1) the housing authority shall cease to exist as a body politic and corporate and as a public body;
- (2) all property, real and personal and mixed, belonging to the housing authority shall vest in, belong to, and be the property of the city;

- 1 (3) all judgements, liens, rights of liens, and causes of action of any nature in
2 favor of the housing authority shall remain, vest in, and inure to the benefit
3 of the city;
- 4 (4) all rentals, taxes, assessments, and any other funds, charges or fees, owing to
5 the housing authority shall be owed to and collected by the city;
- 6 (5) any actions, suits, and proceedings pending against, or having been instituted
7 by the housing authority shall not be abated by such abolition, but all such
8 actions, suits, and proceedings shall be continued and completed in the same
9 manner as if abolition had not occurred, and the city shall be a party to all
10 such actions, suits, and proceedings in the place and stead of the housing
11 authority and shall pay or cause to be paid any judgments rendered against
12 the housing authority in any such actions, suits, or proceedings, and no new
13 process need be served in any such action, suit, or proceeding;
- 14 (6) all obligations of the housing authority, including outstanding indebtedness,
15 shall be assumed by the city, and all such obligations and outstanding
16 indebtedness shall be constituted obligations and indebtedness of the city;
- 17 (7) all ordinances, rules, regulations and policies of the housing authority shall
18 continue in full force and effect until repealed or amended by the council of
19 the city."

20 **Sec. 3.** All laws and clauses of laws in conflict with the provisions of this Act are
21 hereby repealed.

22 **Sec. 4.** This Act shall become effective upon its ratification.

23 In the General Assembly read three times and ratified, this the 1st day of July, 1969.