

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2017-178
HOUSE BILL 89

AN ACT TO ALLOW MUNICIPALITIES TO TRANSFER THE POWERS, DUTIES, AND RESPONSIBILITIES OF A PUBLIC HOUSING AUTHORITY TO A REGIONAL COUNCIL OF GOVERNMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 157-4.1 reads as rewritten:

"§ 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 160-160A of the General Statutes-Statutes, or a regional council of government created pursuant to Part 2 of Article 20 of Chapter 160A 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 July 1, 1969, 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.~~ that will allow sufficient time to wind down the operations of the housing authority. 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~~council, all of the following apply:

- (1) The housing authority shall cease to exist as a body politic and corporate and as a public ~~body~~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~~city.



- (3) All judgments, liens, rights of liens, and causes of action of any nature in favor of the housing authority shall remain, vest in, and inure to the benefit of the ~~city;~~city.
- (4) All rentals, taxes, assessments, and any other funds, charges or fees, owing to the housing authority shall be owed to and collected by the ~~city;~~city.
- (5) Any actions, suits, and proceedings, pending against, or having been instituted by the housing authority 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 city shall be a party to all such actions, suits, and proceedings in the place and stead if the housing authority and shall pay or cause to be paid any judgments rendered against the housing authority in any such actions, suits, or proceedings, and no new process need be served in any such action, suit, or ~~proceeding;~~proceeding.
- (6) All obligations of the housing authority, including outstanding indebtedness, shall be assumed by the city, and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the ~~city;~~city.
- (7) All ordinances, rules, regulations and policies of the housing authority shall continue in full force and effect until repealed or amended by the council of the city.

(c) Where the governing body of any municipality has in its discretion, by resolution abolished a housing authority, pursuant to subsection (b) ~~above, of this section,~~ the governing body of such municipality may, at any time subsequent to the passage of a resolution abolishing a housing authority, or concurrently therewith, by the passage of a resolution adopted in accordance with the procedures and pursuant to the finding specified in G.S. 157-4.1, designate an existing redevelopment commission created pursuant to ~~Article 37 of Chapter 160~~ Article 22 of Chapter 160A of the General Statutes, or a regional council of government created pursuant to Part 2 of Article 20 of Chapter 160A of the General Statutes, to exercise the powers, duties, and responsibilities of a housing authority. Where the governing body of any municipality designates, pursuant to this subsection, an existing redevelopment commission ~~created pursuant to Article 37 of Chapter 160 of the General Statutes or a regional council of government~~ to exercise the powers, duties, and responsibilities of a housing authority, on the day set in the resolution of the governing body passed pursuant to subsection (b) of this section, or pursuant to subsection (c) of this ~~section;~~section, all of the following apply:

- (1) The housing authority shall cease to exist as a body politic and corporate and as a public ~~body;~~body.
- (2) All property, real and personal and mixed, belonging to the housing authority or to the municipality as hereinabove provided in subsections (a) or (b), shall vest in, belong to, and be the property of the existing redevelopment commission ~~of the municipality;~~or regional council of government.
- (3) All judgments, liens, rights of liens, and causes of action of any nature in favor of the housing authority or in favor of the municipality as hereinabove provided in subsections (a) or (b), shall remain, vest in, and inure to the benefit of the existing redevelopment commission ~~of the municipality;~~or regional council of government.
- (4) All rentals, taxes, assessments, and any other funds, charges, or fees owing to the housing authority or owing to the municipality as hereinabove provided in subsections (a) or (b), shall be owed to and collected by the

existing redevelopment commission of the municipality; or regional council of government.

- (5) Any actions, suits, and proceedings pending against or having been instituted by the housing authority or the municipality, or to which the municipality has become a party as hereinabove provided in subsections (a) or (b), 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 existing redevelopment commission ~~of the municipality or regional council of government~~ shall be a party to all such actions, suits, and proceedings in the place and stead of the housing authority or the municipality, and shall pay or cause to be paid any judgments rendered in such actions, suits, or proceedings, and no new processes need be served in such action, suit, or ~~proceeding; proceeding.~~
- (6) All obligations of the housing authority or the municipality as hereinabove provided in subsections (a) or (b), including outstanding indebtedness, shall be assumed by the existing redevelopment commission ~~of the municipality; or regional council of government;~~ and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the existing redevelopment commission ~~of the municipality; or regional council of government.~~
- (7) All ~~ordinances,~~ rules, regulations, and policies of the housing authority ~~of the municipality~~ as hereinabove provided in subsections (a) or (b), shall continue in full force and effect until repealed and amended by the existing redevelopment commission ~~of the municipality or regional council of government.~~
- (8) Notwithstanding G.S. 157-5 and G.S. 157-8, the term of office for all commissioners shall expire.

(d) A redevelopment commission or regional council of government designated by the governing body of any municipality to exercise the powers, ~~duties~~ duties, and responsibilities of a housing authority shall, when exercising the same, do so in accordance with Chapter 157 of the General Statutes. ~~Otherwise~~ Otherwise, the redevelopment commission shall continue to exercise ~~the its~~ powers, ~~duties~~ duties, and responsibilities ~~of a redevelopment commission in accordance with Article 37 of Chapter 160~~ Article 22 of Chapter 160A of the General Statutes. Statutes, and the regional council of governments shall continue to exercise its powers, duties, and responsibilities in accordance with Part 2 of Article 20 of Chapter 160A of the General Statutes.

(e) Upon passage of a resolution pursuant to subsection (b) or (c) of this section, the city council may appoint an interim executive director who will work with the housing authority to facilitate any transfer to the city, redevelopment commission, or regional council of government, and who will serve in that capacity until the transfer is complete. The interim executive director shall have all the powers and duties granted to an executive director pursuant to G.S. 157-5(e) along with the rules, regulations, and policies of the housing authority."

SECTION 2. G.S. 160A-475 reads as rewritten:

"§ 160A-475. Specific powers of council.

The charter may confer on the regional council any of the following powers:

- ...
- (7a) For the purpose of meeting the regional council's office space and program needs, to acquire real property by purchase, gift, or otherwise, and to improve that property. The regional council may pledge real property as security for indebtedness used to finance acquisition of that property or for improvements to that real property, subject to approval by the Local

Government Commission as required under G.S. 159-153. A regional council may not exercise the power of eminent domain.

- (7b) To carry out the powers, duties, and responsibilities granted pursuant to Chapter 157 of the General Statutes except the power of eminent domain.
- (8) Any other powers that are exercised or capable of exercise by its member governments and desirable for dealing with problems of mutual concern to the extent such powers are specifically delegated to it from time to time by resolution of the governing board of each of its member governments which are affected thereby, provided, that no regional council of governments shall have the authority to construct or purchase buildings, or acquire title to real property, except for the purposes permitted under subdivision (7a) of this section or in order to exercise the authority granted by Chapter 260 of the Session Laws of ~~1979~~1979, or the powers, duties, and responsibilities granted to the regional council pursuant to Chapter 157 of the General Statutes. Nothing in this subdivision permits a regional council to exercise the power of eminent domain."

SECTION 3. This act does not apply to cities with a population of greater than 250,000 according to the latest federal decennial census.

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:00 p.m. this 25th day of July, 2017