

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
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S.B. 103
PRINCIPAL CLERK

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SENATE DRS75036-MCx-33 (01/31)

Short Title: Amend Petition & Method for Crit. Assessments.

(Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT AMENDING THE PROVISIONS OF LAWS RELATING TO SPECIAL ASSESSMENTS AND SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE FOR CITIES AND COUNTIES TO ELIMINATE AMBIGUITIES AND INCREASE EQUITABILITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-210.2(c) reads as rewritten:

"(c) Method. – The board of commissioners must establish an assessment method that will most accurately assess each lot or parcel of land subject to the assessments according to the benefits conferred upon it by the project for which the assessment is made. In addition to ~~the~~ other bases upon which assessments may be made under G.S. 153A-186, the board may select any other method designed to allocate the costs in accordance with benefits conferred. In doing so, the board may provide that the benefits conferred are measured on the basis of use being made on the lot or parcel of land and provide for adjustments of assessments upon a change in use, provided that the total amount of all assessments is sufficient to pay the costs of the project after the adjustments have been made."

SECTION 2. G.S. 153A-210.3(a) reads as rewritten:

"(a) Petition. – The board of commissioners may not impose a special assessment under this Article unless it receives a petition for the project to be financed by the assessment signed by (i) at least a majority of the owners of real property to be assessed and (ii) owners who must represent at least sixty-six percent (66%) of the assessed value of all real property to be assessed. For purposes of determining whether the petition has been signed by a majority of owners, an owner who holds title to a parcel of real property alone shall be treated as having one vote each and an owner who shares title to a parcel of real property with one or more other owners shall have a vote equal to one vote multiplied by a fraction, the numerator of which is one and the denominator of which is the total number of owners of the parcel. For purposes of determining whether the assessed value represented by those signing the petition constitute at least sixty-six percent (66%) of the assessed value of all real property to be assessed, an owner who holds title to a parcel of real property alone shall have the full assessed value of the parcel included in the calculation and an owner who shares title to a parcel of real property with one or more other owners shall have their proportionate share of the full assessed value of the parcel included in the calculation.The petition must include the following:

- (1) A statement of the project proposed to be financed in whole or in part by the imposition of an assessment under this Article.
- (2) An estimate of the cost of the project.



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1 (3) An estimate of the portion of the cost of the project to be assessed."

2 **SECTION 3.** G.S. 160A-239.2(c) reads as rewritten:

3 "(c) Method. – The city council must establish an assessment method that will most
4 accurately assess each lot or parcel of land subject to the assessments according to the benefits
5 conferred upon it by the project for which the assessment is made. In addition to ~~the other~~ bases
6 upon which assessments may be made under G.S. 160A-218, the council may select any other
7 method designed to allocate the costs in accordance with benefits conferred. In doing so, the
8 council may provide that the benefits conferred are measured on the basis of use being made on
9 the lot or parcel of land and provide for adjustments of assessments upon a change in use,
10 provided that the total amount of all assessments is sufficient to pay the costs of the project
11 after the adjustments have been made."

12 **SECTION 4.** G.S. 160A-239.3(a) reads as rewritten:

13 "(a) Petition. – The city council may not impose a special assessment under this Article
14 unless it receives a petition for the project to be financed by the assessment signed by (i) at
15 least a majority of the owners of real property to be assessed and (ii) owners who must
16 represent at least sixty-six percent (66%) of the assessed value of all real property to be
17 assessed. For purposes of determining whether the petition has been signed by a majority of
18 owners, an owner who holds title to a parcel of real property alone shall be treated as having
19 one vote each and an owner who shares title to a parcel of real property with one or more other
20 owners shall have a vote equal to one vote multiplied by a fraction, the numerator of which is
21 one and the denominator of which is the total number of owners of the parcel. For purposes of
22 determining whether the assessed value represented by those signing the petition constitute at
23 least sixty-six percent (66%) of the assessed value of all real property to be assessed, an owner
24 who holds title to a parcel of real property alone shall have the full assessed value of the parcel
25 included in the calculation and an owner who shares title to a parcel of real property with one
26 or more other owners shall have their proportionate share of the full assessed value of the
27 parcel included in the calculation. The petition must include the following:

28 (1) A statement of the project proposed to be financed in whole or in part by the
29 imposition of an assessment under this Article.

30 (2) An estimate of the cost of the project.

31 (3) An estimate of the portion of the cost of the project to be assessed."

32 **SECTION 5.** This act is effective when it becomes law and applies to special
33 assessments imposed on or after that date.