



HOUSE BILL 425: Development Regulations/Multijurisdiction.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 20, 2021
Introduced by:	Reps. Brody, Potts, Moffitt, Richardson	Prepared by:	Jonathan Zator
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 425 would modify a provision governing planning and development regulation jurisdiction (jurisdiction) for land that lies within more than one local government's jurisdiction.*

CURRENT LAW: S.L. 2019-111 revised and consolidated the land-use regulatory laws of North Carolina. It added G.S. 160D-203 to provide that, when multiple local governments share jurisdiction on a single parcel of land, the local governments may, by mutual agreement (Article 20 of Chapter 160A) and with the written consent of the landowner, assign exclusive jurisdiction for the entire parcel to any one of those local governments.

Such a mutual agreement does not affect taxation or other nonregulatory matters, and it must be evidenced by a resolution formally adopted by each governing board and recorded with the register of deeds in the county where the property is located.

BILL ANALYSIS: House Bill 425 would modify G.S. 160D-203 as follows:

- Clarify that when a local government agrees to jurisdiction over land subject to shared jurisdiction, the assignment of jurisdiction includes all development phases on the land.
- Allow, in the absence of a mutual agreement, a landowner to designate which local government's jurisdiction applies to land subject to shared jurisdiction.
- Allow a landowner, upon approval of a local government that has been designated jurisdiction, to enter into agreements with one or more local governments for any part of the development (including utilities, annexation for utility access, development phases on the land, and other services). The landowner would need to record any such agreements with the register of deeds, within 14 days of the agreement's execution, in any county where the land is located.
- Define "landowner" to mean all titleholders of record owning an interest in the land.

G.S. 160D-203 would continue to only apply to planning and development regulations and not affect taxation or other nonregulatory matters.

EFFECTIVE DATE: This act would be effective when it becomes law.

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