

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1701*
Committee Substitute Favorable 5/26/10

Short Title: NC Sustainable Communities Task Force.

(Public)

Sponsors:

Referred to:

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE COMMUNITIES TASK FORCE, AN INTERAGENCY COLLABORATION BETWEEN THE DEPARTMENTS OF COMMERCE, ENVIRONMENT AND NATURAL RESOURCES, TRANSPORTATION, ADMINISTRATION, HEALTH AND HUMAN SERVICES, AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FOCUSED ON DEVELOPING AND SUSTAINING HEALTHY, SAFE, AND WALKABLE COMMUNITIES ACCESSIBLE TO ALL NORTH CAROLINIANS, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON URBAN GROWTH AND INFRASTRUCTURE ISSUES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 31. North Carolina Sustainable Communities Task Force.

"§ 143B-344.34. North Carolina Sustainable Communities Task Force – findings.

(a) The General Assembly finds that the rapid growth of the urban and suburban areas of North Carolina and the economic challenges facing many of the State's urban cores, rural areas, and smaller communities create a significant need for the strategic use of resources to plan and accommodate healthy and equitable development without compromising natural systems and the needs of future generations of North Carolinians.

(b) The General Assembly finds that the following principles describe sustainable development for North Carolina's communities:

- (1) Better transportation choices. – Offering safe, reliable, and economical motorized and nonmotorized transportation options to decrease household transportation costs, reduce dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.
- (2) Equitable, affordable housing. – Encouraging the provision to North Carolina citizens of all ages, incomes, races, and ethnicities expanded location-, water-, and energy-efficient housing choices that increase mobility, decrease the impact on existing water and energy infrastructure, and lower the combined cost of housing and transportation.
- (3) Enhanced economic competitiveness. – Expanding business access to markets and improving North Carolina's economic competitiveness through reliable and timely access to employment centers, educational opportunities, services, and other basic needs by workers.
- (4) Support of existing communities. – Targeting public funds toward existing communities that are using strategies such as transit-oriented, mixed-use



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1 development, and land recycling to increase community revitalization,
2 enhance the efficiency and cost-effectiveness of public works investments,
3 and protect rural landscapes.

4 (5) Coordination and leverage of State policies and investment. – Aligning State
5 and local government policies and funding to remove barriers to
6 collaboration, leverage funding, and increase the accountability and
7 effectiveness of government in planning for future growth.

8 (6) Recognize and support communities and neighborhoods. – Preserving and
9 enhancing the unique characteristics of rural, urban, and suburban
10 communities by investing in healthy, safe, and walkable neighborhoods.

11 **"§ 143B-344.35. North Carolina Sustainable Communities Task Force – creation;**
12 **purpose; duties.**

13 There is created within the Department of Environment and Natural Resources the North
14 Carolina Sustainable Communities Task Force to lead and support the State's sustainable
15 communities initiatives. The duties of the Task Force shall be as follows:

16 (1) To apply for, receive, and distribute on behalf of the State, funding from
17 federal, public, or private initiatives, grant programs, or donors that will
18 foster sustainable development in North Carolina.

19 (2) To promote regional partnerships and to assist local governments and
20 regional or interlocal organizations in North Carolina in seeking and
21 managing funding from federal, public, or private initiatives, grant
22 programs, or donors related to the planning, development, or redevelopment
23 of the State's communities in a sustainable manner.

24 (3) To identify federal funding opportunities related to sustainable development.

25 (4) To provide technical assistance to eligible State agencies, local governments,
26 nonprofit organizations or regional collaborations, and partnerships in
27 applying for federal and other funding opportunities. This technical
28 assistance shall include the development of scenario planning tools, progress
29 measurement metrics, and public participation strategies for use by all
30 applicants.

31 (5) To recommend policies for the support, promotion, and encouragement of
32 sustainable communities to the Secretaries of the Departments of
33 Administration, Commerce, Environment and Natural Resources, and
34 Transportation, the Director of the Division of Public Health in the
35 Department of Health and Human Services, the General Assembly, and the
36 Governor.

37 (6) To recommend annually to the Governor and the General Assembly
38 appropriations for sustainable development programs.

39 (7) To develop a common local government sustainable practices scoring
40 system incorporating the principles set forth in G.S. 143B-344.34(b).

41 (8) To pursue opportunities to combine the efforts of State agencies related to
42 development and infrastructure; to study how existing regional and interlocal
43 organizations could improve their organization and reduce unnecessary
44 overlap and duplication of services; and to better integrate State efforts and
45 investments with regional and local efforts. The Task Force shall include in
46 its recommendations under subdivisions (5) and (6) of this section any
47 recommendations for legislation necessary to implement any potential
48 improvements identified under this subdivision.

49 **"§ 143B-344.36. North Carolina Sustainable Communities Task Force – membership;**
50 **staffing.**

1 (a) Membership and Advice. – The Task Force shall consist of 11 members who reflect
2 the diversity of the State. The Secretaries of Commerce, Environment and Natural Resources,
3 and Transportation and the Director of the North Carolina Housing Finance Agency shall each
4 designate a representative to the Task Force from their agencies. The Secretary of
5 Administration shall designate a representative from that Department who is familiar with the
6 management and development of State-owned lands and buildings. The Secretary of Health and
7 Human Services shall designate a representative from the Division of Public Health of the
8 Department of Health and Human Services who is familiar with the impact of the built
9 environment on human health. The Governor shall appoint one member who is a representative
10 of a nonprofit organization involved in the planning, advocacy, or creation of sustainable
11 development. The President Pro Tempore of the Senate shall appoint two members: one
12 member who is a representative of a county government and one member who is a
13 representative of a council of government or other regional collaborative organization. The
14 Speaker of the House of Representatives shall appoint two members: one member who is a
15 representative of a city government and one member with professional training in planning who
16 is a member of the North Carolina Chapter of the American Planning Association.

17 The Secretaries of Commerce, Environment and Natural Resources, Transportation,
18 Administration, and Health and Human Services, or their designees, shall advise the Task Force
19 on sustainable development activities within the responsibility of their respective departments
20 and shall cooperate with the Task Force in jointly seeking funds from federal, public, or private
21 initiatives, grant programs, or donors.

22 (b) Terms, Vacancies. – The members of the Task Force appointed by the Governor
23 shall have a term of office of four years and shall serve until their successors are appointed and
24 qualified. An appointment to fill a vacancy shall be for the unexpired balance of the term. The
25 remaining members of the Task Force shall serve at the pleasure of the appointing authority.

26 (c) Staff. – The Departments of Commerce, Environment and Natural Resources,
27 Transportation, Administration, and Health and Human Services shall provide clerical and
28 professional staff support to the Task Force.

29 (d) Compensation. – The public members of the Task Force shall receive per diem and
30 necessary travel and subsistence expenses payable to members of State boards and agencies as
31 set forth by G.S. 138-5 and G.S. 138-6, respectively.

32 **"§ 143B-344.37. North Carolina Sustainable Communities Grant Fund.**

33 (a) Establishment. – The North Carolina Sustainable Communities Grant Fund is
34 established in the Department of Environment and Natural Resources, and the North Carolina
35 Sustainable Communities Task Force within that Department shall be responsible for
36 administering the Fund.

37 (b) Purposes. – Moneys in the North Carolina Sustainable Communities Grant Fund
38 shall be used, as available, to provide funding to regional bodies, cities, or counties to improve
39 regional planning efforts that integrate housing and transportation decisions and increase the
40 capacity to improve land use and zoning within regions that meet the following requirements:

41 (1) The regional body, city, or county is a part of a regional sustainable
42 development partnership that includes any of the metro regions as defined in
43 G.S. 143B-344.38(c). Partnerships may also include any Metropolitan
44 Planning Organizations, Regional Planning Organizations, regional transit
45 agencies, and representation from involved State agencies.

46 (2) The partnership has submitted a work plan to the Task Force describing the
47 activities to be funded and the public comment process by which activities
48 are selected and prioritized.

49 (3) All members of the partnership have adopted a jointly developed
50 memorandum of agreement describing how coordinated planning activities
51 will be undertaken.

1 (c) Funding Guidelines. – In awarding any grant funding, the Task Force shall utilize
2 the common local government sustainable practices scoring system developed in accordance
3 with G.S. 143B-344.35(7). In its consideration of grant applications, the Task Force may also
4 consider any offers by a partnership to provide matching funds.

5 **"§ 143B-344.38. North Carolina Sustainable Communities Task Force – reports.**

6 (a) Beginning in 2011, the Task Force shall report to the Governor, the chairs of the
7 House Commerce, Small Business, and Entrepreneurship Committee and the Senate Commerce
8 Committee, and the Joint Legislative Commission on Governmental Operations no later than
9 October 1 each year. The report shall include the following elements:

10 (1) Policy recommendations, suggested legislation, and recommended
11 appropriations made pursuant to subdivisions (5), (6), and (8) of
12 G.S. 143B-344.35.

13 (2) Funding applied for and received in the prior fiscal year.

14 (3) A list of the projects for which funding was distributed to local governments
15 and regional or interlocal organizations in North Carolina for sustainable
16 planning, development, or redevelopment under G.S. 143B-344.35.

17 (4) A list of the projects for which the Task Force provided technical assistance
18 under G.S. 143B-344.35(4).

19 (5) The remaining funds available and all grants distributed to regional
20 sustainable development partnerships under G.S. 143B-344.37.

21 (6) An overview of all State funding initiatives (including State-allocated
22 federal funding initiatives) used to support housing, infrastructure, water
23 quality, and land preservation, including, at a minimum, the following:

24 a. The Clean Water Management Trust Fund.

25 b. The Parks and Recreation Trust Fund.

26 c. The Agricultural Development and Farmland Preservation Trust
27 Fund.

28 d. The Natural Heritage Trust Fund.

29 e. The Highway Fund and the Highway Trust Fund.

30 f. The Congestion Relief and Intermodal Transportation 21st Century
31 Fund.

32 g. The North Carolina Main Street Program and the Main Street
33 Solutions Fund.

34 h. The Housing Trust Fund and the low-income housing tax credit
35 funds administered by the Housing Finance Agency.

36 i. Funds from the Public School Building Capital Fund used by
37 counties for the purchase of land for public school buildings.

38 j. The tax credits for renewable energy property, historic rehabilitation,
39 and mill rehabilitation set forth in Chapter 105 of the General
40 Statutes.

41 The overview should include the current funding level, changes in funding
42 over the previous fiscal year, and how the funding initiative has contributed
43 to sustainable development, or, in the case of a tax credit, the number and
44 geographical distribution of taxpayers taking the credit, the amount of
45 credits claimed, and how the credit has contributed to sustainable
46 development.

47 (b) In addition to the report required under subsection (a) of this section, beginning in
48 2011, and on or before October 1 in every odd-numbered year thereafter, the Task Force shall
49 report the following to the Governor, the chairs of the House Commerce, Small Business, and
50 Entrepreneurship Committee and the Senate Commerce Committee, and the Joint Legislative
51 Commission on Governmental Operations:

1 (1) Population, employment, building permit, and related socioeconomic data
2 for each metro region of the State, including 25-year projections of
3 population and employment and any other demographic trends the Task
4 Force finds relevant, with commentary on any changing trends in the data
5 that might affect planning for sustainable development and infrastructure.
6 Where possible, the Task Force shall use data already collected by the State
7 Demographer, the United States Census Bureau, and any other State or
8 federal agency.

9 (2) An inventory and description of State policies and programs that influence
10 either positively or negatively the ability to develop sustainable
11 communities.

12 (c) For purposes of this section, "metro region of the State" includes the following
13 Statistical Areas defined by the United States Census Bureau using data from the most recent
14 federal decennial census:

15 (1) The Research Triangle region (made up of the Durham-Chapel Hill and the
16 Raleigh-Cary Metropolitan Statistical Areas).

17 (2) The North Carolina portion of the Charlotte-Gastonia-Concord Metropolitan
18 Statistical Area.

19 (3) The Greensboro-Winston-Salem-High Point Combined Statistical Area.

20 (4) The Asheville Metropolitan Statistical Area.

21 (5) The Hickory-Lenoir-Morganton Metropolitan Statistical Area.

22 (6) The Fayetteville Metropolitan Statistical Area.

23 (7) The Wilmington Metropolitan Statistical Area.

24 (8) The Greenville Metropolitan Statistical Area.

25 (9) The Jacksonville Metropolitan Statistical Area.

26 (10) The Rocky Mount Metropolitan Statistical Area.

27 (11) The Goldsboro Metropolitan Statistical Area.

28 (12) Any other Metropolitan Statistical Area that includes counties of the State
29 and that has a population of 100,000 or more within the State."

30 **SECTION 2.** G.S. 120-123 is amended by adding a new subdivision to read:

31 "(79) The North Carolina Sustainable Communities Task Force, as established in
32 Article 7 of Chapter 143B of the General Statutes."

33 **SECTION 3.** Reports. – The Departments of Commerce, Transportation,
34 Environment and Natural Resources, Administration, and Health and Human Services shall
35 report by October 1 each year, beginning in 2010, to the chairs of the House Commerce, Small
36 Business, and Entrepreneurship Committee and the Senate Commerce Committee, and the Joint
37 Legislative Commission on Governmental Operations. The report shall provide information
38 regarding each Department's progress in fostering the sustainable development principles set
39 forth in G.S. 143B-344.34 as enacted by Section 1 of this act.

40 **SECTION 4.** Staffing. – The Department of Environment and Natural Resources
41 shall transfer the vacant District Planner position in the Division of Coastal Management to the
42 North Carolina Sustainable Communities Task Force and shall fill the position in a timely
43 manner in order to provide support for the operations and activities of the Task Force. For
44 administrative purposes, the Task Force shall be located in the Department's Division of
45 Environmental Assistance and Outreach, and the Division shall also provide appropriate
46 administrative and clerical support for the activities of the Task Force.

47 **SECTION 5.** Appropriation. – There is appropriated from the General Fund to the
48 North Carolina Sustainable Communities Task Force, as created by Section 1 of this act, the
49 sum of five hundred thousand dollars (\$500,000) for the 2010-2011 fiscal year to be used to
50 support the operation of the North Carolina Sustainable Communities Task Force and the
51 grants program set forth in Section 1 of this act.

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SECTION 6. This act becomes effective July 1, 2010, and expires June 30, 2021.