

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1333*

Short Title: NC Sustainable Communities Task Force. (Public)

Sponsors: Senators McKissick; Atwater, Berger of Franklin, Bingham, Blue, Dickson, Dorsett, Foriest, Graham, Hartsell, Jones, Kinnaird, Shaw, Snow, Vaughan, and Walters.

Referred to: Appropriations/Base Budget.

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE COMMUNITIES TASK FORCE, AN INTERAGENCY COLLABORATION BETWEEN THE DEPARTMENTS OF ADMINISTRATION, COMMERCE, ENVIRONMENT AND NATURAL RESOURCES, TRANSPORTATION, 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 10 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 22. North Carolina Sustainable Communities Task Force.

"§ 143B-472.130. 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.



- 1 (4) Support of existing communities. – Targeting public funds toward existing
2 communities that are using strategies such as transit-oriented, mixed-use
3 development and land recycling to increase community revitalization,
4 enhance the efficiency and cost effectiveness of public works investments,
5 and protect rural landscapes.
- 6 (5) Coordination and leverage of State policies and investment. – Aligning State
7 and local government policies and funding to remove barriers to
8 collaboration, leverage funding, and increase the accountability and
9 effectiveness of government in planning for future growth.
- 10 (6) Recognize and support communities and neighborhoods. – Preserving and
11 enhancing the unique characteristics of rural, urban, and suburban
12 communities by investing in healthy, safe, and walkable neighborhoods.

13 **"§ 143B-472.131. North Carolina Sustainable Communities Task Force – creation;**
14 **purpose; duties.**

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

- 18 (1) To apply for and receive, on behalf of the State, funding from federal, public
19 or private initiatives, grant programs, or donors that will foster sustainable
20 development in North Carolina.
- 21 (2) To promote regional partnerships and to assist local governments and
22 regional or interlocal organizations in North Carolina in seeking and
23 managing funding from federal, public or private initiatives, grant programs,
24 or donors related to the planning, development, or redevelopment of the
25 State's communities in a sustainable manner.
- 26 (3) To identify federal funding opportunities related to sustainable development.
- 27 (4) To provide technical assistance to eligible State agencies, local governments,
28 nonprofits or regional collaborations and partnerships in applying for federal
29 and other funding opportunities. This technical assistance shall include the
30 development of scenario planning tools, progress measurement metrics, and
31 public participation strategies for use by all applicants.
- 32 (5) To recommend policies for the support, promotion, and encouragement of
33 sustainable communities to the Secretaries of the Departments of Commerce,
34 Environment and Natural Resources, and Transportation, the General
35 Assembly, and the Governor.
- 36 (6) To recommend annually to the Governor appropriations for sustainable
37 development programs.
- 38 (7) To develop a common local government sustainable practices scoring
39 system incorporating the principles set forth in G.S. 143B-472.130(b).
- 40 (8) To pursue opportunities to combine the efforts of State agencies related to
41 development and infrastructure; to study how existing regional and interlocal
42 organizations could improve their organization and reduce unnecessary
43 overlap and duplication of services; and to better integrate State efforts and
44 investments with regional and local efforts. The Task Force shall include in
45 its recommendations under subdivisions (5) and (6) of this section any
46 recommendations for legislation necessary to implement any potential
47 improvements identified under this subdivision.

48 **"§ 143B-472.132. North Carolina Sustainable Communities Task Force – membership;**
49 **staffing; sunset.**

50 (a) Membership and Advice. – The Task Force shall consist of 11 members who reflect
51 the diversity of the State. The Secretaries of Commerce, Environment and Natural Resources,

1 and Transportation and the Director of the North Carolina Housing Finance Agency shall each
2 designate a representative to the Task Force from their agencies. The Secretary of
3 Administration shall designate a representative from that Department who is familiar with the
4 management and development of State-owned lands and buildings. The Secretary of Health and
5 Human Services shall designate a representative from the Division of Public Health of the
6 Department of Health and Human Services who is familiar with the impact of the built
7 environment on human health. The Governor shall appoint the remaining five members under a
8 specified subdivision of this subsection as follows:

- 9 (1) One member who is a representative of a nonprofit organization involved in
10 the planning, advocacy, or creation of sustainable development.
- 11 (2) One member who is a representative of a county government.
- 12 (3) One member who is a representative of city government.
- 13 (4) One member who is a representative of a Council of Government or other
14 regional collaborative organization.
- 15 (5) One member with professional training in planning who is a representative
16 of the North Carolina Chapter of the American Planning Association.

17 The Secretaries of Administration, Commerce, Environment and Natural Resources, Health
18 and Human Services and Transportation, or their designees, shall advise the Task Force on
19 sustainable development activities within the responsibility of their respective departments and
20 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 Administration, Commerce, Environment and Natural
27 Resources, Health and Human Services and Transportation 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 (e) Sunset. – This Part expires June 30, 2021.

33 **§ 143B-472.133. North Carolina Sustainable Communities Task Force – reports.**

34 (a) Beginning in 2011, the Task Force shall report to the Governor, the House and
35 Senate Commerce Committees, and the Joint Legislative Commission on Governmental
36 Operations no later than October 1 each year. The report shall include the following elements:

- 37 (1) Policy recommendations and suggested legislation.
- 38 (2) Funding applied for and received in the prior fiscal year.
- 39 (3) Population, employment, building permit, and related socioeconomic data
40 for each metro region of the State, including 25-year projections of
41 population and employment and any other demographic trends the Task
42 Force finds relevant, with commentary on any changing trends in the data
43 that might affect planning for sustainable development and infrastructure.
44 Where possible, the Task Force shall use data already collected by the State
45 Demographer, the United States Census Bureau, and any other state or
46 federal agency.
- 47 (4) An inventory of State policies and programs that influence positively or
48 negatively the ability to develop sustainable communities.
- 49 (5) An overview of all State funding initiatives (including State-allocated
50 federal funding initiatives) used to support housing, infrastructure, water
51 quality, and land preservation, including, at a minimum, the following:

- 1 a. The Clean Water Management Trust Fund.
- 2 b. The Parks and Recreation Trust Fund.
- 3 c. The Agriculture Development and Farmland Preservation Trust
- 4 Fund.
- 5 d. The Natural Heritage Trust Fund.
- 6 e. The Highway Fund and the Highway Trust Fund.
- 7 f. The Congestion Relief and Intermodal Transportation 21st Century
- 8 Fund.
- 9 g. The Ecosystem Enhancement Program.
- 10 h. The North Carolina Main Street Program and the Main Street
- 11 Solutions Fund.
- 12 i. The Housing Trust Fund and the low-income housing tax credit
- 13 funds administered by the Housing Finance Agency.
- 14 j. Funds from the Public School Building Capital Fund used by
- 15 counties for the purchase of land for public school buildings.
- 16 k. The tax credits for renewable energy property, historic rehabilitation,
- 17 and mill rehabilitation set forth in Chapter 105 of the General
- 18 Statutes.

19 The overview should include the current funding level, changes in funding
 20 over the previous fiscal year, and how the funding initiative has contributed
 21 to sustainable development, or, in the case of a tax credit, the number and
 22 geographical distribution of taxpayers taking the credit, the amount of
 23 credits claimed, and how the credit has contributed to sustainable
 24 development.

25 (b) For purposes of this section "metro region of the State" includes the following
 26 Statistical Areas defined by the United States Census Bureau:

- 27 (1) The Research Triangle region (made up of the Durham-Chapel Hill and the
- 28 Raleigh-Cary Metropolitan Statistical Areas).
- 29 (2) The North Carolina portion of the Charlotte-Gastonia-Concord Metropolitan
- 30 Statistical Area.
- 31 (3) The Greensboro-Winston-Salem-High Point Combined Statistical Area.
- 32 (4) The Asheville Metropolitan Statistical Area.
- 33 (5) The Hickory-Lenoir-Morganton Metropolitan Statistical Area.
- 34 (6) The Fayetteville Metropolitan Statistical Area.
- 35 (7) The Wilmington Metropolitan Statistical Area.
- 36 (8) The Greenville Metropolitan Statistical Area.
- 37 (9) The Jacksonville Metropolitan Statistical Area.
- 38 (10) The Rocky Mount Metropolitan Statistical Area.
- 39 (11) The Goldsboro Metropolitan Statistical Area.
- 40 (12) Any other Metropolitan Statistical Area that includes counties of the State
- 41 and that has a population of 100,000 or more within the State."

42 **SECTION 2.(a)** Supplemental Funding for Regional Sustainable Development
 43 Partnerships. – The Departments of Commerce, Transportation, and Environment and Natural
 44 Resources shall ensure that any programs they administer providing pass-through funding or
 45 grants for regional bodies, counties, or municipalities will, to the extent possible under rules or
 46 guidelines imposed by the source of the funding, provide supplemental funds to regional bodies
 47 and to cities and counties within regions that comply with the following requirements:

- 48 (1) The regional body, city, or county is a part of a regional sustainable
 49 development partnership covering any of the metro regions identified in
 50 G.S. 143B-472.133(b), as enacted by Section 1 of this act. This partnership
 51 must include any Metropolitan Planning Organizations, Regional Planning

1 Organizations, and regional transit agencies in existence in the region, along
2 with representatives of the Departments of Commerce, Transportation, and
3 Environment and Natural Resources.

4 (2) The partnership has submitted a workplan to the North Carolina Sustainable
5 Communities Task Force showing the activities to be funded and the public
6 information process through which activities are selected and prioritized.

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

10 (4) The partnership provides matching funds for the supplemental funds
11 provided by the Departments of Commerce, Transportation, and
12 Environment and Natural Resources.

13 In awarding any supplemental funding, the Departments of Commerce, Transportation, and
14 Environment and Natural Resources shall utilize the common local government sustainable
15 practices scoring system set forth in G.S. 143B-472.131, as enacted by Section 1 of this act.

16 **SECTION 2.(b)** Reports. – The Departments of Commerce, Transportation, and
17 Environment and Natural Resources shall report their progress in implementing this section to
18 the House and Senate Commerce Committees and the Joint Legislative Commission on
19 Governmental Operations.

20 **SECTION 3.(a)** There is appropriated from the General Fund to the North Carolina
21 Sustainable Communities Task Force, as created by Section 1 of this act, the sum of one
22 hundred thousand dollars (\$100,000) for the 2010-2011 fiscal year to be used to support the
23 operation of the North Carolina Sustainable Communities Task Force.

24 **SECTION 3.(b)** There is appropriated from the General Fund to the North
25 Carolina Sustainable Communities Task Force, as created by Section 1 of this act, the sum of
26 one hundred twenty-five thousand dollars (\$125,000) for the 2010-2011 fiscal year to provide
27 up to fifty percent (50%) of any required local matching funds for recipients of Federal
28 Sustainable Communities Planning Grants and any other federal grants related to sustainable
29 development and requiring local matching funds.

30 **SECTION 3.(c)** There is appropriated from the General Fund to the Department of
31 Commerce State Aid the sum of four hundred twenty-five thousand dollars (\$425,000) in
32 recurring funds to support the operations of regional Councils of Governments. The Division
33 of Community Assistance shall give priority in funding to Councils of Governments that
34 demonstrate involvement in the activities of the regional partnerships set forth in Section 2(a)
35 of this act.

36 **SECTION 4.** G.S. 120-123 is amended by adding a new subdivision to read:

37 "(79) The North Carolina Sustainable Communities Task Force, as established in
38 Article 9 of Chapter 143B of the General Statutes."

39 **SECTION 5.** This act becomes effective July 1, 2010, and expires June 30, 2021.