

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS65134-LB-157 (3/19)

Short Title: Carrboro Inclusionary Zoning. (Local)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A PILOT PROGRAM FOR INCLUSIONARY ZONING
IN THE TOWN OF CARRBORO.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly finds and declares that the purpose of this act is to provide authority for the Town of Carrboro to use inclusionary zoning to promote the development of affordable housing for sale or rental to persons and families of low and moderate income. The General Assembly finds and declares that there exists in that town a serious shortage of decent residential housing available at low prices or rentals to persons and families of low and moderate income.

SECTION 2. Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-383.2. Pilot program for inclusionary housing.

(a) For the purposes of this section, the following definitions apply:

(1) Affordable housing unit. – A dwelling unit which is affordable for:

a. Sale to any person or family whose income does not exceed eighty percent (80%) of the median family income for the local area, with adjustments for family size, according to the latest figures available from the U.S. Department of Housing and Urban Development; or

b. Rent to any person or family whose income does not exceed sixty percent (60%) of the median family income for the local area, with adjustments for family size, according to the latest figures available from the U.S. Department of Housing and Urban Development.

(2) Inclusionary zoning. – Any zoning regulation, requirement, or condition of development imposed by ordinance or regulation, or

1 pursuant to any special permit, special exception, or subdivision plan
2 that promotes the development of affordable housing units.

3 (b) A city in Region J may use inclusionary zoning to increase the availability of
4 affordable dwelling units in the city. A city may require affordable dwellings only if the
5 development, including all phases, will add more than 49 dwellings. If the city requires
6 a developer to construct one or more affordable dwelling units, the city shall grant to the
7 developer permission to construct a total number of units in excess of the number
8 allowed by any applicable density limit and shall permit at least one additional dwelling
9 unit for each affordable dwelling unit, or the city may compensate the developer in
10 other ways that the developer considers at least equivalent to the additional permitted
11 dwelling unit(s).

12 (c) Under inclusionary zoning, an affordable dwelling unit must stay affordable
13 for at least five years, but no more than 50 years, after development.

14 (d) The sales or rental price for affordable dwellings shall be established such
15 that the owner/applicant shall not suffer economic loss as a result of providing the
16 required affordable dwelling units.

17 (e) An inclusionary zoning requirement shall be delayed for 18 months after the
18 city adopts such a requirement if:

19 (1) The development is built by the property owners of record as of the
20 date the inclusionary zoning requirement is adopted; and

21 (2) The development is permitted without a rezoning request.

22 (f) This section applies only to the Town of Carrboro."

23 **SECTION 3.** G.S. 42-14.1 reads as rewritten:

24 "**§ 42-14.1. Rent control.**

25 No county or city as defined by G.S. 160A-1 may enact, maintain, or enforce any
26 ordinance or resolution which regulates the amount of rent to be charged for privately
27 owned, single-family or multiple-unit residential or commercial rental property. This
28 section shall not be construed as prohibiting any county or city, or any authority created
29 by a county or city for that purpose, from:

30 (1) Regulating in any way property belonging to that city, county, or
31 authority;authority.

32 (2) Entering into agreements with private persons which regulate the
33 amount of rent charged for subsidized rental properties; or properties.

34 (3) Enacting ordinances or resolutions restricting rent for properties
35 assisted with Community Development Block Grant Funds.

36 (4) Enacting ordinances or resolutions restricting rents for properties
37 designated as affordable dwelling units under G.S. 160A-383.2. This
38 subdivision applies only to the Town of Carrboro."

39 **SECTION 4.** The authority granted by this act is supplementary in nature
40 and shall not be construed to limit the authority otherwise provided by law.

41 **SECTION 5.** This act is effective when it becomes law.