



Legislative Bulletin

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The Weekly Recap

WHAT HAPPENED: On municipal matters, it was a lighter week at the General Assembly, where lawmakers worked mostly on high-profile issues like sports wagering and shifting appointment powers with state boards and commissions. They also held a discussion-only hearing on this session's regulatory reform legislation, a bill that usually gains momentum late in the session.

WHAT IT MEANS: Along with the headlining items of the week, work began on finalizing what is arguably the session's biggest piece of legislation: the state budget. Negotiators from the House and Senate started meeting this week to reconcile differences between the chambers' respective budget plans. This standard process is meant to lead to a single, compromise plan that the chambers can send to the governor.

ON TAP: President Biden's consideration of the [federal debt ceiling legislation](#) that Congress just sent him. Notably, the bill ensures that our cities' and towns' American Rescue Plan funding is not subject to clawbacks. As of this writing, news outlets were reporting that Biden planned on signing it as soon as possible.

THE SKINNY: Lawmakers' work this week included higher-profile issues and big legislation. But we do have updates below of interest to cities and towns -- including one on a priority bill to boost law enforcement staffing levels. You can help to advance this legislation by contacting your senator. The article below has information about the bill.

Take Action to Boost Law Enforcement Staffing

With the N.C. Senate ready to consider a top municipal priority to boost law enforcement staffing levels, now is the time to act. Please contact your state senators —particularly those on the [Senate State & Local Government Committee](#)—about [HB 140 Civilian Traffic Investigators/Pilot](#), asking them to make the bill apply statewide and then to vote in favor of it. That Senate committee is scheduled to hear the bill Tuesday at noon.

This proposal would achieve [a key legislative priority](#) of city officials for more public safety resources, especially those focused on law enforcement staffing. It would allow select cities to use civilian employees to respond to traffic accidents, a change that

would allow them to more effectively use sworn officers to deter and respond to crime as well as to address critical labor shortages in public safety. Unfortunately, the original legislation was amended in the House to apply to only four cities, after earlier applying statewide. Let your legislators know the importance of this bill's passage, but also, why it should be changed to apply statewide. [These talking points](#) give you more background.

Amended Stormwater Permitting Bill Advances

Cities that implement a state stormwater permitting program would have less flexibility under a revised [proposal](#) advanced by the House Regulatory Reform Committee this week. [HB 579 Sedimentation Act and Other Environmental Changes](#) would make changes to various sedimentation permitting requirements and place new requirements on how state environmental regulators engage with the U.S. Environmental Protection Agency (EPA). The requirements exist pursuant to federal regulations set by EPA, which are then implemented by the state as well as any local governments to which the state has delegated its authority. The only local programs targeted by HB 579 are those where the city or county has been delegated authority to implement the state's erosion and sedimentation program.

Specifically, HB 579, as amended, would prohibit local erosion and sedimentation requirements from exceeding the requirements for stormwater discharges from construction activities set forth under the federal and state permitting regulations. The bill would also require delegated local programs to issue the state's permit, in lieu of a local land disturbance permit or other permit or certification. A local program would be authorized to charge a fee of no more than \$200 (50 percent remitted to the state) for issuance of this permit but would be prohibited from charging any other fee for permitting of the activity.

The original version of HB 579 raised significant legal questions about the constitutionality of provisions granting the General Assembly approval of the state's rulemaking and agreements with EPA. These provisions were removed by the committee this week. With the committee's favorable recommendation, the bill now moves to the House Finance Committee for further consideration.

Keep Up the Communication with Lawmakers on ETJ Bill

Thank you for your ongoing efforts to communicate with your legislators about a bill moving through the process that affects all cities with extra-territorial jurisdictions, or ETJs. Last week, we told you about [SB 675 Land Use Clarification and Changes](#) and how state senators, during a series of hearings, listened to the concerns of local officials from across the state about language in the bill that would eliminate all municipal ETJ authority – language that senators scaled back following the local officials' testimony. Cities exercise ETJ authority as a primary way to manage and plan for growth on the edge of town. As a result of this outreach to legislators, the pared-down version of SB 675 would only apply to cities in counties of less than 50,000 in population. City officials appreciate primary bill sponsor Sen. Michael Lee for responding to their concerns over the loss of this authority.

At the same time, the bill still affects all cities with ETJs. In addition to eliminating the authority for those cities in low-population counties, SB 675 also freezes in place all current ETJ boundaries (Section 3.2(a)). And for those cities with local acts regarding ETJ authority, those local acts would be repealed under this bill (Section 3.2(b)).

Finally, the bill contains numerous unrelated land use provisions, such as a minimum lot size standard of five homes per acre for residential zoning districts (Section 4.1). This new standard, which would impose a level of density much higher than many local zoning codes allow today, was designed to increase density.

In their planning practices, cities often respond to community desires for more natural features by including open space requirements in their development codes. This provision would undermine those practices, especially as to stormwater facilities, which in many urban settings are not natural features at all, but instead, are underground pipes and storage tanks.

Please consider this updated bill in light of your city's planning and development code, and communicate any remaining concerns to your state legislative members ([with suggested talking points here](#)). The bill next moves to the [Senate Finance Committee](#).



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