



HOUSE BILL 942: Kinston Deannexation Corrections.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 20, 2018
Introduced by:	Rep. J. Bell	Prepared by:	Nicholas Giddings Staff Attorney
Analysis of:	First Edition		

OVERVIEW: House Bill 942 would deannex one parcel of land from the corporate limits of the City of Kinston that was omitted from the 56 parcels of land deannexed from the City in Section 2 of S.L. 2017-85. House Bill 942 would also remove this parcel and the 56 parcels of land that were deannexed from the City in S.L. 2017-85 from the City's extraterritorial jurisdiction authority.

Section 1 – Deannexation:

CURRENT LAW: Under Section 1 of Article VII of the NC Constitution, the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities, and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes, which governs municipal annexations. In addition, the General Assembly may annex property by local act. The General Assembly has not enacted any method for municipalities to deannex property; that power remains with the General Assembly.

BILL ANALYSIS: Section 2 of S.L. 2017-85 deannexed 56 parcels of land from the corporate limits of the City of Kinston in Lenoir County. One parcel of land (2153) was omitted from the list of property described in Section 2 of S.L. 2017-85.

Section 1 of House Bill 942 would deannex the one parcel of land omitted from S.L. 2017-85 from the corporate limits of the City of Kinston in Lenoir County. The City would maintain the ability to collect on any property tax liens or special assessments on the deannexed parcel outstanding as of June 30, 2018.

EFFECTIVE DATE: This section would become effective June 30, 2018. The property deannexed would no longer be subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2018.

Section 2 – Extraterritorial Jurisdiction:

CURRENT LAW: Except under certain circumstances, the General Statutes allow municipalities to regulate land-use within an area one-mile beyond their municipal boundaries, commonly referred to as extraterritorial jurisdiction (ETJ). Land use regulation may take the form of zoning, subdivision regulation, minimum housing codes, and regulations governing open spaces and community appearance. With the approval of the county commissioners, a city with a population of more than 10,000 but less than 25,000 may extend its extraterritorial land-use planning jurisdiction to two miles beyond its corporate limits; a city with a population of 25,000 or more may extend its extraterritorial land-use planning jurisdiction to three miles beyond its corporate limits.¹

¹ G.S. 160A-360(a)

Karen Cochrane-Brown
Director



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Once a city exercises its ETJ authority, the county in which the area lies has the duty to appoint an individual residing in that area to serve on the city's planning board and board of adjustment.

BILL ANALYSIS: Section 2 would eliminate the authority for the City of Kinston to exercise ETJ authority on the following:

- The 56 parcels of land deannexed from the corporate limits of the City of Kinston in Section 2 of S.L. 2017-85.
- The parcel deannexed in Section 1 of this bill.

EFFECTIVE DATE: This section would become effective when it becomes law.

Jessica Sammons, counsel to House State and Local Government I, substantially contributed to this summary.