



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 324: Durham/Electronic Notices for Public Hearings.

2023-2024 General Assembly

Committee:	House Local Government. If favorable, re- refer to Rules, Calendar, and Operations of the House	Date:	March 28, 2023
Introduced by:	Rep. Jeffers	Prepared by:	Billy Godwin Anna Parsons Staff Attorneys
Analysis of:	PCS to First Edition H324-CSCK-12		

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 324 would do both of the following:*

- *Authorize the City of Durham and Durham County to adopt local ordinances providing that notice of public hearings required under Chapter 160D of the General Statutes may be given electronically by a joint planning board.*
- *Authorize the Town of Matthews to adopt a local ordinance providing for notice of public hearings to be given by electronic means.*

[As introduced, this bill was identical to S235, as introduced by Sens. Woodard, Murdock, which is currently in Senate Rules and Operations of the Senate.]

Section 1

CURRENT LAW: Chapter 160D of the General Statutes contains the processes and procedures for development approvals by local governments for land within their jurisdictions. Chapter 160D requires governing boards of counties and cities to publish notice of public hearings relating to specific development regulations, such as the adoption of zoning or subdivision ordinances, rezoning of existing parcels, and special use permits.

The Durham City-County Planning Department is the joint planning agency responsible for managing land development and use in the City of Durham and Durham County through the Durham City-County Unified Development Ordinance (UDO).

BILL ANALYSIS: Section 1 of the PCS to House Bill 324 would allow the City of Durham and Durham County to adopt local ordinances providing that notice of public hearings required under Chapter 160D of the General Statutes may be given electronically by the Durham City-County Planning Department, a joint planning board. Any such ordinance must not:

- Supersede any State law that requires notice by mail to certain classes of people or the posting of signs on certain property.
- Alter the publication schedule for any public notice.

Section 2

CURRENT LAW: North Carolina law requires various legal notices and advertisements to be published in a newspaper of general circulation in the area impacted by the legal notice. Examples include judicial

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Legislative Analysis
Division

House 324 PCS

Page 2

sales under Article 29A of Chapter 1 of the General Statutes, administration of estates under Chapter 28A of the General Statutes, and execution sales under Article 29B of Chapter 1 of the General Statutes.

More specifically, the General Statutes and sometimes local acts, require governing boards of counties and cities to publish notice or to advertise prior to taking certain actions. When publishing notices, the county or city does so by inserting the notice in a newspaper qualified under G.S. 1-597 in that county or city. Some of the items that require notice or advertisement are:

- Various public hearings statutorily required prior to the county or city taking action or adopting certain ordinances, such as zoning ordinances. Often, the statute requiring the public hearing will specify how notice of the public hearing is to be given, usually requiring publication in a newspaper of general circulation within a specified timeframe of the public hearing.
- Budget ordinances. Chapter 159.
- Sale and disposition of property. Article 12 of Chapter 160A.
- Purchase and contract bids. Article 8 of Chapter 143.
- Changes in form of government. Article 4 of Chapter 153A and Article 5 of Chapter 160A.
- Assessments. Article 9 of Chapter 153A and Article 10 of Chapter 160A.
- Development agreements. Article 18 of Chapter 153A and Article 19 of Chapter 160A.
- Dates of primary, general and special elections, and hours the voting places that will be open for those elections. Chapter 163.

BILL ANALYSIS: Section 2 of the PCS to House Bill 324 would allow the Town of Matthews to adopt a local ordinance providing for electronic notice of any public hearing. Any such ordinance would not be allowed to:

- Supersede any State law that requires notice by mail to certain classes of people or the posting of signs on certain property.
- Alter the publication schedule for any public notice.

EFFECTIVE DATE: The act would be effective when the bill becomes law.

BACKGROUND: The following local governments are currently permitted to use electronic notice for any public hearing: Cabarrus County (S.L. 2003-81), City of **Raleigh** and Town of **Lake Waccamaw** (S.L. 2003-161), Towns of **Apex**, **Garner**, and **Knightdale** (S.L. 2007-86), and Town of **Cary** (S.L. 2008-5), **Guilford** County, **Archdale**, **Burlington**, **Gibsonville**, **Greensboro**, **High Point**, **Jamestown**, **Kernersville**, **Oak Ridge**, **Pleasant Garden**, **Sedalia**, **Stokesdale**, **Summerfield**, and **Whitsett** (S.L. 2017-210).