THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: January 10, 2023

Subject: 2023 City Council Legislative Agenda

Staff Resource(s): Brad Branham, City Attorney

Action Requested: Adoption of a resolution approving the 2023 Legislative Agenda and direction to share with Asheville's Local Delegation.

Background:
- The 2023 legislative long session of the North Carolina General Assembly commenced in January of this year.
- Historically, the City Council has adopted a legislative agenda to provide direction to our local delegation on those priorities for local or general legislation which the City wishes to pursue.

Council Goal(s):
- A Financially Resilient City
- An Equitable & Diverse Community
- Transportation & Accessibility

Committee(s):
- Policy, Finance and Human Resources - January 10, 2023

Pro(s):
- Provides direction to our local delegation on Council's legislative priorities, and serves as a starting point for presentation of potential general and local acts which would benefit the City.

Con(s):
- None.

Fiscal Impact:
- None.

Suggested Motion:
- Motion to adopt a resolution to approve the 2023 City Council Legislative Agenda and to direct the City Attorney to provide the resolution to the members of our local delegation.

Attachment(s)
- Resolution

RESOLUTION NO. 23-_____

RESOLUTION OF THE CITY OF ASHEVILLE ADOPTING ITS 2023 LEGISLATIVE AGENDA

WHEREAS, the 2023 legislative long session of the North Carolina General Assembly convened in January of this year; and

WHEREAS, the City Council of the City of Asheville has identified certain matters of local and State-wide interest where legislative action is needed or desired; and

WHEREAS, the City Council of the City of Asheville wishes to express its request for consideration and adoption of these initiatives to the General Assembly;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Legislative Agenda for the 2023 Long Session of the North Carolina General Assembly, attached hereto as Exhibit A, is hereby adopted; and

The Asheville City Attorney is hereby directed to transmit a certified copy of this Resolution to the members of the General Assembly whose districts include the City of Asheville; and

The City Council offers the City's assistance to members of the General Assembly and the legislative staff with respect to any items listed on Exhibit A, including the provision of additional information, and further resolutions in support of specific bills; and

BE IT FURTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the members of the local delegation for their service on behalf of the City of Asheville

Read, approved and adopted this 10th day of January, 2023.

_____ _____

CITY CLERK MAYOR

Approved as to form:

_____

CITY ATTORNEY

Exhibit A
CITY OF ASHEVILLE 2023 LEGISLATIVE AGENDA

Oppose Legislation that Would Limit Reasonable Regulation of Short Term Vacation Rentals

Multiple legislative initiatives were filed in the General Assembly during previous sessions which, if adopted, might have stripped local governments of their ability to regulate the use of residential property as short term vacation rentals. This authority is absolutely critical for cities and towns with high demand for tourism accommodations. Without the ability to establish reasonable regulations around this land use, vital long term housing will be lost, desperately needed affordable housing will become even more limited, and the very character of neighborhoods will be threatened by a predominantly transient use. The City of Asheville believes that reasonable limitations on this type of land use are necessary to maintain the character and affordability of our communities, and that local governments are in the best position to balance those needs without placing undue restrictions on the use of property.

- Oppose legislation which would limit municipal authority to reasonably regulate residential properties being utilized as short term vacation rentals.

Support New Legislation and State Funding to Encourage Development of Affordable Housing

Rents and home prices are surging throughout North Carolina, especially in the largest cities. Recent studies suggest rental rates in Asheville have drastically outpaced wage increases. Without additional legislation to incentivise and/or subsidize the development of more affordable housing, cities throughout North Carolina will face increasing pressures resulting from this disparity up to and including a surge in homelessness. These efforts will be disproportionately felt by historically marginalized communities. The City of Asheville believes that additional local tools to incentivize the development of affordable housing, along with new dedicated State funding would be critical to address this growing issue locally and throughout the State.

- Support legislation that would create new tools and increased incentives and subsidies, as well as dedicated funding, for the development of affordable housing, especially in the State's largest metropolitan areas where this issue is most dire.

Oppose Legislation that Would Remove or Further Restrict Local Conditional Zoning Authority

As part of the recent bipartisan adoption of the new Chapter 160D legislation, the General Assembly affirmed its longstanding allowance for local governments to regulate land use through a conditional zoning process. This tool has become an essential one for municipalities throughout the State to obtain the best possible results in land use and new development. It further provides an avenue for developers and property owners to negotiate with local

governments on final development products without the need for a quasi-judicial procedure. The City of Asheville believes that conditional zoning facilitates optimal land development while also affording the development community more access to the members of the governing board during the process.

- Oppose legislation which would remove or limit municipal authority to utilize conditional zoning for land development applications.

Support Legislation that Would Update Property Taxation to Provide Greater Protection and Equitable Treatment for Homeowners

As inflation and a continued strong real estate market put upward pressure on land values, the property tax burden on the most vulnerable throughout our State has only worsened. This is further exacerbated by the ongoing trend of real estate investors purchasing more and more of the housing market for investment or income production. Without increased protections and an updated and equitable lens by which to apply property taxation, many individuals will be priced out of their homes and communities. The City of Asheville believes that allowing for differential tax treatment (such as has been applied in South Carolina), as well as stronger exemptions for certain rate payers, would help to abate the significant burden and ongoing gentrification of our neighborhoods and communities.

- Support legislation that would allow differential property tax treatment of owner-occupied properties as opposed to second homes and income producing properties, and increase the opportunities for low income, elderly and homestead taxation exemptions.

Amend the North Carolina Fair Housing Act to include "Source of Income/Funds" as a Protected Characteristic

Chapter 41A of the North Carolina General Statutes currently prohibits discriminatory housing practices for any person in a real estate transaction based on several protected factors. However, individuals attempting to utilize federally funded housing choice vouchers continue to be turned away from opportunities to lease residential property. By including "source of income/funds" as a protected characteristic, these individuals would have the same access to utilize these federal funded vouchers as any other individual with a different means of payment. The City of Asheville believes that such action would promote equity, especially among the City's marginalized communities, but would also foster the goals of affordable housing and limiting homelessness.

- Support legislation to amend the North Carolina Fair Housing Act to include "Source of Income/Funds" as a protected characteristic.

Support for Legislation to Promote Public Safety Options
Like many localities throughout North Carolina, the City of Asheville is struggling to obtain adequate staffing for public safety positions. The General Assembly has previously addressed this issue in cities such as Wilmington through providing a local act authorizing civilian investigators to respond to traffic incidents. By expanding this authority to other cities, the burden on existing law enforcement officers would be reduced, and local police would gain additional capacity to focus on violent crime and other priorities. The City of Asheville believes this would be a valuable tool to advance local public safety needs.

- Support legislation that would authorize civilian investigators to act as the first responders for certain traffic incidents.

Support for State and Local Reparations Efforts
On July 14, 2020, the Asheville City Council unanimously approved a resolution supporting reparations for Black Asheville. Since that time, other North Carolina counties and municipalities have followed suit with similar resolutions and related initiatives. The City of Asheville resolution specifically called upon the State of North Carolina and the federal government to initiate policymaking and provide funding for reparations. The City of Asheville remains committed to the task of reparations, but believes that the responsibility for this initiative rests with each level of government. New legislation and funding is needed to adequately repair the harms of the past for North Carolina's Black and Brown residents.

- Support legislation that would empower local governments, remove barriers, and provide funding to support reparations at the state and local level.

Support New State Funding to Address Water Quality in the French Broad River
The French Broad River is an incredibly significant environmental and economic asset for the City of Asheville and the surrounding region. Recent analysis has determined that the river contains high levels of harmful bacteria, which has resulted in 19 miles of the river in Buncombe and Henderson counties being classified as "impaired" by the Department of Environmental Quality. The City of Asheville believes that additional funding is needed to provide new protections in this watershed in order to reduce bacteria pollution and restore the river.

- Support new funding that would address bacteria pollution in the French Broad River.

Authority for Electronic Meetings
As part of the work of the General Assembly to provide relief during the COVID-19 pandemic, the General Assembly passed amendments to Chapter 166A of the North Carolina General Statutes that provided clear authority for local governments and other public bodies to hold electronic meetings during a state of emergency declared by either the Governor or the General Assembly. This authority allowed cities throughout the State to provide greater access to the community and additional meeting options for various subordinate boards and commissions.

Now that the statewide state of emergency has been lifted, the authority to continue remote meetings remains unclear. The City, along with other local governments, believes that the authority given should be made permanent, and usable at the discretion of local governments.

- Support legislation to make clear authority for electronic meetings permanent and usable at the discretion of local governments.