

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 869
HOUSE BILL 1281

AN ACT TO MAKE TECHNICAL AMENDMENTS TO EXISTING PROVISIONS OF G.S. 105-277(f) AND TO G.S. 160A-399.4-5 RELATING TO THE TAXATION AND DESIGNATION OF HISTORIC PROPERTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-277(f), as it appears in the 1975 Cumulative Supplement to Volume 2D of the General Statutes, is repealed.

Sec. 2. A new G.S. 105-278 is enacted to read as follows:

"§ 105-278. **Historic properties.** — (a) Real property designated as a historic structure or site by a local ordinance adopted pursuant to G.S. 160A-399.4 is hereby designated a special class of property under authority of Article V, Sec. 2(2) of the North Carolina Constitution. Property so classified, upon annual application of the property owner, shall be taxed uniformly as a class in each local taxing unit on the basis of fifty percent (50%) of the true value of the property as determined pursuant to G.S. 105-285 and G.S. 105-286, or G.S. 105-287.

(b) The difference between the taxes due on the basis of fifty percent (50%) of the true value of the property and the taxes that would have been payable in the absence of the classification provided for in subsection (a) shall be a lien on the property of the taxpayer as provided in G.S. 105-355(a) and shall be carried forward in the records of the taxing unit or units as deferred taxes, but shall not be payable until the property loses its eligibility for the benefit of this classification because of a change in an ordinance designating a historic property or a change in the property, except by fire or other natural disaster, which causes its historical significance to be lost or substantially impaired. The tax for the fiscal year that opens in the calendar year in which a disqualification occurs shall be computed as if the property had not been classified for that year, and taxes for the preceding three fiscal years that have been deferred as provided herein shall be payable immediately, together with interest thereon as provided in G.S. 105-360 for unpaid taxes, which shall accrue on the deferred taxes as if they had been payable on the dates on which they originally became due. If only a part of the historic property loses its eligibility for the classification, a determination shall be made of the amount of deferred taxes applicable to that part, and the amount shall be payable with interest as provided above."

Sec. 3. The first sentence of the second paragraph of G.S. 160A-399.4, as it appears in the 1976 Replacement Volume 3D of the General Statutes, is amended to read as follows:

"The ordinance shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, and/or archaeological value, including the approximate area of surrounding land, and any other information the governing board deems necessary within the authority of this Part."

Sec. 4. The first paragraph of G.S. 160A-399.5, as it appears in the 1976 Replacement Volume 3D of the General Statutes, is hereby amended as follows:

"Required procedures: The commission shall undertake an inventory of all properties of historical, architectural, and archaeological significance in its jurisdiction. This shall serve as a guide for the identification, assessment, and designation of historic properties. No ordinances

designating a historic building, structure, site, area or object nor any amendment thereto may be adopted, nor may any property be accepted or acquired by a historic properties commission or the governing board of a city or county, until the following procedural steps have been taken."

Sec. 5. G.S. 160A-399.5(1), as it appears in the 1976 Replacement Volume 3D of the General Statutes, is hereby amended as follows:

"The historic properties commission shall make or cause to be made an investigation and report on the historic, architectural, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. In connection with such investigation the historic properties commission shall assess the significance of each property to be designated in relation to others in its jurisdiction. The report of the inventory and assessment shall be submitted to the Department of Cultural Resources for its review."

Sec. 6. G.S. 160A-399.5(2) as it appears in the 1975 Replacement Volume 3D of the General Statutes is amended to read as follows:

"The Department of Cultural Resources, or another agency or employee of the department designated by the secretary, shall make an analysis of recommendations concerning the report of a historic properties commission within 60 days after the report and written request for the analysis have been mailed to the department by the clerk of the city or county governing board, unless the applicant is required to submit additional information. This requirement of the department's analysis and recommendations is waived with respect to any building, structure, site, area or object of national, State or local historical and/or architectural significance that is currently listed (as certified by the Secretary of Cultural Resources) in the National Register of Historic Places established by the National Historic Preservation Act of 1966, Public Law 89-665, 15 U.S.C.A. Section 470a, as amended."

Sec. 7. This act shall become effective January 1, 1978.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.