



**TOWN OF KILL DEVIL HILLS**  
*Land Where Flight Began*

MEMORANDUM

October 9, 2023

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: Consent Agenda

**5. Legislative Restriction on Zoning Response**

With the passage of the Appropriations Bill of 2023 (HB 259), the legislation included a local bill under Section 24.8, with the following language:

**“DARE COUNTY AFFORDABLE HOUSING**

**SECTION 24.8.(a)** The following shall apply to all construction of buildings and infrastructure under the agreement or series of agreements entered into pursuant to Section 24.1 of S.L. 2022-74 to construct affordable housing units in accordance with Dare County's longstanding master development plan to increase workforce housing:

(1) With respect to building permits and inspections of the new construction, the State of North Carolina and any local government with jurisdiction over the new construction shall expedite the issuance of permits and prioritizing the conduct of all necessary inspections.

(2) With respect to development regulations:

a. Articles 6 and 7 of Chapter 160D of the General Statutes shall not apply to the new construction under the agreement or series of agreements.

b. Approval under Article 8 of Chapter 160D of the General Statutes shall not be required for the new construction under the agreement or series of agreements; however, a plat of any subdivided land shall be recorded by a selected qualified private partner.

(3) With respect to utilities, and provided that the local government has sufficient capacity, any local government within a 1-mile radius of the new construction under the agreement or series of agreements shall provide all utilities in the same manner as that local government provides utilities to all other new construction in that jurisdiction.

**SECTION 24.8.(b)** This section is effective when it becomes law.”

In response, the Board of Commissioners approved a *Resolution in Support of Maintaining Local Governmental Authority in Affordable Housing* in opposition of the legislation. In addition, the Board, through consensus on September 25, 2023, directed the Town Manager and Town Attorney to join the other Dare County municipalities in filing a legal complaint with regard to the legislation.

Approval of the Consent Agenda will record the Board's action in the minutes of this meeting.