

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Apr 3, 2019
S.B. 629
PRINCIPAL CLERK

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SENATE BILL DRS45248-MQa-86

Short Title: Funding for Housing Trust Fund. (Public)

Sponsors: Senators deViere, Peterson, and Garrett (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE CURRENT AND ONGOING FUNDING FOR THE HOUSING
3 TRUST FUND.

4 Whereas, the North Carolina Housing Trust Fund was created by the General
5 Assembly in 1987 and is administered by the North Carolina Housing Finance Agency; and

6 Whereas, the North Carolina Housing Trust Fund is North Carolina's most flexible
7 resource for the State's growing and complex affordable housing needs. The Fund leverages
8 private funding to create a variety of housing solutions, including home ownership, rentals,
9 supportive housing, new construction, rehabilitation, and emergency repairs; and

10 Whereas, housing is not only an integral part of a family's budget, but is also integral
11 to the economy of the State. Ensuring that all North Carolinians have access to safe, decent, and
12 affordable housing is a sound financial investment in North Carolina's future; and

13 Whereas, in 2005, bipartisan leadership filed Senate Bill 330 to fund the Housing
14 Trust Fund at \$50 million. Senate Bill 330 addressed the "shortage of decent, safe, and sanitary...
15 housing available at affordable prices" and the importance of affordable housing to economic
16 development "because businesses will not locate in communities where workers cannot live";
17 and

18 Whereas, in Governor Pat McCrory's budget for the 2015-2017 fiscal biennium,
19 former Budget Director Lee Harris Roberts wrote that "the NC Housing Finance Agency
20 represents one of the greatest returns on investment of any State money spent"; and

21 Whereas, North Carolina's investment in the Housing Trust Fund has decreased nearly
22 68% over the last 10 years—from \$21 million in the 2007 fiscal year to a low-water mark of \$6.8
23 million in the 2015 fiscal year; and

24 Whereas, over 815,000 North Carolinians do not have access to affordable housing,
25 with over 319,000 North Carolinians in disaster areas from Hurricane Matthew and Hurricane
26 Florence. In addition, 930,000 citizens are cost-burdened with their housing—those households
27 spending more than 30% of their income on housing costs and utilities being cost-burdened, and
28 those spending more than half of their income on housing costs being severely cost-burdened;
29 and

30 Whereas, there is only one unit of housing for every eight North Carolinians in need
31 of affordable housing; and

32 Whereas, the current fund balance of the Housing Trust Fund is approximately \$6
33 million, which is less than the originally established fund balance of \$50 million. For every \$1
34 million that the Housing Trust Fund spends: 108 households are assisted; \$5,169,000 in
35 affordable housing real estate value is generated; 110 jobs are supported; and \$455,000 in State
36 and local revenue is generated; and



1 Whereas, this act would enact a one-time allocation to recapitalize the Housing Trust
2 Fund and would provide recurring revenue sources to ensure a sustainable Fund that can be used
3 to address the critical shortage of affordable housing in North Carolina; Now, therefore,
4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** There is appropriated from the General Fund to the North Carolina
6 Housing Trust Fund, established under G.S. 122E-3, the sum of thirty million dollars
7 (\$30,000,000) in nonrecurring funds for the 2019-2020 fiscal year to be used in accordance with
8 the purposes provided in Chapter 122E of the General Statutes.

9 **SECTION 2.** G.S. 161-11.5 reads as rewritten:

10 **"§ 161-11.5. Fees to be remitted to State Treasurer.**

11 Six dollars and twenty cents (\$6.20) of each fee collected by the register of deeds under
12 G.S. 161-10(a)(1) and (a)(1a) shall be remitted by the register of deeds to the county finance
13 officer, who shall remit the funds to the State Treasurer on a monthly basis to be credited as
14 follows:

- 15 (1) Fifty-five percent (55%) to the Floodplain Mapping Fund established under
16 G.S. 143-215.56A.
- 17 (2) ~~Twenty-Eight and one-half percent (20%)-(18.5%)~~ to the General Fund as
18 nontax revenue.
- 19 (3) Twenty-five percent (25%) to the Department of Natural and Cultural
20 Resources to be used as provided in G.S. 121-5(e).
- 21 (4) One and one-half percent (1.5%) to the North Carolina Housing Trust Fund,
22 established under G.S. 122E-3."

23 **SECTION 3.** G.S. 122E-3 reads as rewritten:

24 **"§ 122E-3. North Carolina Housing Trust Fund.**

25 (a) There is established a North Carolina Housing Trust Fund, separate and distinct from
26 the General Fund.

27 (b) The Fund shall consist of monies received under this act and any other sources of
28 revenue, public or private, dedicated for inclusion in the Fund.

29 (c) The State Treasurer shall serve as trustee for the Fund. The Treasurer shall invest the
30 North Carolina Housing Trust Fund revenues he receives as provided in G.S. 147-69.2(b). The
31 Treasurer shall provide the Agency with quarterly and annual reports of Fund revenues and
32 interest earnings.

33 (d) The Office of State Controller shall transfer to the Fund an amount equal to ten
34 percent (10%) of the General Fund unreserved fund balance, as determined on a cash basis, at
35 the end of each fiscal year."

36 **SECTION 4.** G.S. 105-228.30 reads as rewritten:

37 **"§ 105-228.30. Imposition of excise tax; distribution of proceeds.**

38 (a) An excise tax is levied on each instrument by which any interest in real property is
39 conveyed to another person. The tax rate is one dollar (\$1.00) on each five hundred dollars
40 (\$500.00) or fractional part thereof of the consideration or value of the interest conveyed. The
41 transferor must pay the tax to the register of deeds of the county in which the real estate is located
42 before recording the instrument of conveyance. If the instrument transfers a parcel of real estate
43 lying in two or more counties, however, the tax must be paid to the register of deeds of the county
44 in which the greater part of the real estate with respect to value lies.

45 The excise tax on instruments imposed by this Article applies to timber deeds and contracts
46 for the sale of standing timber to the same extent as if these deeds and contracts conveyed an
47 interest in real property.

48 (b) The register of deeds of each county must remit the proceeds of the tax levied by this
49 section to the county finance officer. The finance officer of each county must credit one-half of
50 the proceeds to the county's general fund and remit the remaining one-half of the proceeds, less
51 taxes refunded and the county's allowance for administrative expenses, to the Department of

1 Revenue on a monthly basis. A county may retain two percent (2%) of the amount of tax proceeds
2 allocated for remittance to the Department of Revenue as compensation for the county's cost in
3 collecting and remitting the State's share of the tax. The Department of Revenue shall credit an
4 amount equal to thirty-three percent (33%) of the funds remitted to the Department of Revenue
5 under this subsection to the North Carolina Housing Trust Fund, established under G.S. 122E-3,
6 and shall credit the remaining funds to the General Fund."

7 **SECTION 4.** This act becomes effective July 1, 2019.