



# HOUSE BILL 184: Haywood County Occupancy Taxes.

2023-2024 General Assembly

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<b>Committee:</b>	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 27, 2023
<b>Introduced by:</b>	Rep. Pless	<b>Prepared by:</b>	Billy R. Godwin Staff Attorney
<b>Analysis of:</b>	Amendment to Second Edition H184-ABD-15		

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**OVERVIEW:** Amendment H184-ABD-15 to House Bill 184 would prohibit the Town of Maggie Valley from exercising extra territorial jurisdiction (ETJ) powers, adopting or renewing or extending any temporary moratoria, and down-zoning property without all the property owners' written consent. These provisions would be effective when law and would expire on January 1, 2028.

**CURRENT LAW:** Extraterritorial jurisdiction is the power of a municipality to exercise planning and development regulatory jurisdiction in an area beyond its corporate limits. Land use regulations include zoning, subdivision regulation, building code enforcement, minimum housing code enforcement, historic preservation, erosion and sedimentation control regulation, and historic district regulation. Local governments may adopt temporary moratoria for a reasonable duration on any development approval required by law and not otherwise exempted by statute. The temporary moratoria may be extended or renewed if new facts and conditions warrant an extension or renewal. Down-zoning is a zoning ordinance change that decreases the development density or reduces the permitted uses of land. Local governments may initiate down-zoning of property without the written consent of all the property owners.

**BILL ANALYSIS:** The amendment to House Bill 184 would do all of the following with regard to the Town of Maggie Valley:

- Prohibit the town from exercising ETJ powers until January 1, 2028.
- Prohibit the town from adopting or renewing or extending any temporary moratoria until January 1, 2028.<sup>1</sup>
- Prohibit the town from down-zoning property without the written consent of all the property owners until January 1, 2028.
- Expand, until January 1, 2028, the definition of down-zoning applicable to the Town of Maggie Valley to include a zoning ordinance that limits options available or adds additional requirements to develop an area of land.

**EFFECTIVE DATE:** The act, as amended, would be effective when it becomes law and would expire January 1, 2028.

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<sup>1</sup> Article II, Section 24(1)(a) of the State Constitution prohibits local bills relating to health, sanitation, and the abatement of nuisances.

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Director



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