

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 457

Short Title: Union/Mecklenburg County Boundary. (Local)

Sponsors: Representatives Arp, Cotham, Willis, and Brody (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 27, 2023

A BILL TO BE ENTITLED
AN ACT TO ENABLE THE TRANSITION OF PROPERTIES ALONG THE COMMON
BOUNDARY BETWEEN MECKLENBURG COUNTY AND UNION COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Except as provided in this section, the common boundary between Mecklenburg County and Union County shall be as shown on the Census Redistricting Data P.L. 94-171 TIGER/Line Shapefiles associated with the 2020 federal decennial census. The area east of I-485, commonly known as the Shannamara neighborhood, shall be in Union County and the common boundary between the two counties shall follow I-485.

SECTION 2.(a) On and after July 1, 2023, all papers, documents, and instruments required or permitted to be filed or registered that involve residents and property located in areas affected by the relocation of the boundary line that previously may have been recorded in the adjoining counties shall be recorded in the county to which the property has been annexed.

SECTION 2.(b) All public records related to residents and property located in areas affected by the resurvey of the boundary line that were filed or recorded prior to July 1, 2023, in the adjoining counties shall remain in those respective adjoining counties where filed or recorded, and such records shall be valid public records as to the property and persons involved, even though they are recorded in an adjoining county which is a county where the property is no longer located as evidenced by the Census Redistricting Data P.L. 94-171 TIGER/Line Shapefiles associated with the 2020 federal decennial census.

SECTION 2.(c) On and after July 1, 2023, all real and personal property located in areas affected by the resurvey of the boundary line that was subject to ad valorem taxation on January 1, 2023, shall be subject to ad valorem taxes in the county to which the property is annexed for the fiscal year beginning July 1, 2023, to the same extent as it would have been had it been correctly recognized by the tax departments of each county on January 1, 2023, except as hereinafter provided with respect to classified registered motor vehicles. On July 1, 2023, the tax administrators of the adjoining counties shall transfer to the respective county tax assessors the ad valorem tax listings and valuations for all real and personal property subject to ad valorem taxation in areas affected by the resurvey of the boundary line, except classified motor vehicles that were registered in the adjoining counties prior to July 1, 2023. For the fiscal year that begins July 1, 2023, all real and personal property located in areas affected by the resurvey of the boundary line that was subject to ad valorem taxation in that area on January 1, 2023, shall be assessed and taxed as follows:



- (1) The ad valorem property taxes assessed on all classified registered motor vehicles registered or listed in adjoining counties between January 1, 2023, and June 30, 2023, shall be collected by the appropriate adjoining county tax collector, and all such taxes shall be retained by that adjoining county. The taxes on all classified motor vehicles registered after June 30, 2023, shall be assessed and collected by the county tax department in the county to which the real property wherein the classified registered motor vehicles are situated has been annexed.
- (2) The values established by the particular adjoining county tax administrator on all personal property other than classified registered motor vehicles shall be used by the county tax assessor without adjustment in computing taxes due for the fiscal year beginning July 1, 2023. All such taxes shall be assessed and collected by the appropriate county tax department.
- (3) For the interim time period between the annexation of properties into their respective counties and until such time as the next regularly scheduled revaluation period, Mecklenburg County and Union County may select either of two methods of valuating the property annexed into their respective county by this act. The selection of either method by a county shall not give any individual or entity grounds for challenging such temporary valuation. Such methods are delineated as follows:

 - a. The values established by the adjoining counties' tax administrators on all real property formerly taxed in their respective county shall continue to be the value of such property until revalued according to the regularly scheduled revaluation period for each county.
 - b. The values established by the adjoining counties' tax administrators on all real property formerly taxed in their respective county shall be adopted by the appropriate county tax assessor upon the transition of property to the adjoining county. The valuation of such property shall then be revalued according to the regularly scheduled revaluation period for each county.
- (4) Beginning January 1, 2024, all property in areas affected by the resurvey of the boundary line that is subject to ad valorem taxation shall be listed, assessed, and taxed by the appropriate county tax administrator in the same manner as is prescribed by law for all other property located within each county.
- (5) The final tax values of property subject to ad valorem taxation in areas affected by the resurvey of the boundary line as of January 1, 2023, shall be determined by the adjoining county tax administrator. Appeals to the North Carolina Property Tax Commission or to the courts by property owners of properties affected by the boundary line change shall be defended by both counties, and both counties shall be responsible for their respective costs and expenses, including attorneys' fees, incurred in connection with such appeals.
- (6) Any unpaid taxes or tax liens for the fiscal year ending June 30, 2023, or for prior years on property subject to taxation in areas affected by the resurvey of the boundary line shall continue to be valid and enforceable by the respective adjoining county, including (i) the foreclosure remedies provided for in G.S. 105-374 and G.S. 105-375 and (ii) the remedies of attachment and garnishment provided for in G.S. 105-366 through G.S. 105-368. The Mecklenburg County and Union County tax administrators shall supply one another with a list of unpaid taxes as of July 1, 2023. Any such taxes collected by either county shall be promptly paid to the appropriate adjoining county,

including accrued interest. The provisions of G.S. 105-352(d) shall not apply to those areas in an adjoining county previously taxed by either county outside the areas affected by the resurvey of the boundary line that shall forthwith be properly listed and taxed in the county to which they have been annexed and those areas within each county that were in the past improperly listed and taxed by the adjoining county due to uncertainty as to the exact location of the boundary line. Under the discovery process, each county may waive any interest and penalties accrued for affected tax years in its sole discretion.

SECTION 2.(d) No cause of action, including criminal actions, involving persons or property located in areas affected by the resurvey of the boundary line that is pending on July 1, 2023, shall be abated, and such actions shall continue in the appropriate adjoining county.

SECTION 2.(e) The board of elections of each adjoining county shall, effective July 1, 2023, transfer the voter registration records pertaining to persons residing in areas affected by the resurvey of the boundary line and located in either county to the adjoining county's board of elections, and thereafter the registered voters so transferred shall be validly registered to vote in that adjoining county.

SECTION 2.(f) The Jury Commission of each adjoining county shall revise its jury lists to add to or eliminate therefrom those persons subject to jury duty who reside in areas affected by the resurvey of the boundary line, said revised jury lists to be effective July 1, 2023.

SECTION 2.(g) The areas affected by the resurvey of the boundary line in Section 1 of this act shall remain in the same congressional district, the same State House of Representatives district, the same State Senate district, the same superior court district, the same district court district, and the same prosecutorial district.

SECTION 2.(h) Any cause of action relating to taxation as it is currently exercised by the counties along or near the county boundary, or any other cause of action related in any way to the county boundary or properties affected by changes in the boundary, is stayed, and no new cause of action relating to these matters shall be commenced until ratification of the official line by the North Carolina General Assembly.

SECTION 3. The county boards of education shall cooperate on behalf of residents that have students affected by this act to ensure that a transition is made that provides students and their siblings with a choice to remain in their current school system until graduation from high school for so long as they reside in the residence affected by this act.

SECTION 4. The elected and appointed officials and employees of Mecklenburg County and Union County shall incur no liability under any local or North Carolina statute, law, ordinance, rule, or regulation for any act or failure to act relating to taxation, school attendance, land-use controls, elections, or any other governmental function as it relates to the currently utilized boundary line of Mecklenburg County and Union County.

SECTION 5. Owners and future owners of properties affected by this act shall be put on notice of the terms and conditions of this act by a written instrument filed in the office of the register of deeds of the county to which the property has been annexed.

SECTION 6. Except as otherwise provided, this act is effective when it becomes law.