

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

Legislative Fiscal Note

BILL NUMBER: House Bill 887 (First Edition)

SHORT TITLE: Zoning/Temp. Family Health Care Structures.

SPONSOR(S): Representatives Howard, Setzer, and Moffitt

FISCAL IMPACT					
	Yes ()	No (x)	No Estimate Available ()		
	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>FY 2014-15</u>	<u>FY 2015-16</u>
REVENUES					
EXPENDITURES					
POSITIONS (cumulative):					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	None identified.				
EFFECTIVE DATE:	July 1, 2011				

BILL SUMMARY:

SOURCE: BILL DIGEST H.B. 887 (05/03/2011)

H 887. ZONING/TEMP. FAMILY HEALTH CARE STRUCTURES. Filed 5/3/11. RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES.

Enacts new GS 153-341.1 which requires a county zoning ordinance to consider a temporary family health care structure (1) used by a caregiver in providing care for a mentally or physically impaired person and (2) located on property owned or occupied by the caregiver as that individual's residence, as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Specifies a special use permit is not required. Specifies that such structures must comply with all setback requirements which apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Specifies only one family health care structure is allowed on a lot or parcel of land.

Further provides that a permit from the county is needed before any person installs a temporary family health care structure. Provides the county may charge up to \$100 for such permit; however, directs that the county may not withhold a permit if the applicant provides sufficient proof of

compliance with the statute. Directs that such permit may be revoked if the permit holder violates any provision of the statute. Provides that a temporary family health care structure may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property. Forbids signage advertising or otherwise promoting the existence of the structure on the property. Requires any temporary family health care structure installed be removed within 30 days, if the mentally or physically impaired person is no longer receiving or is no longer in need of assistance. Provides definitions for (1) activities of daily living, (2) caregiver, (3) Mentally or physically impaired person, and (4) temporary family health care structure. Makes corresponding changes to GS 160A, enacting new GS 160A-383.5 (zoning of temporary health care structures). Effective July 1, 2011, and applies to temporary family health care structures existing on or after that date.

ASSUMPTIONS AND METHODOLOGY:

This bill requires an individual to obtain a permit from a city government in order to erect a health care structure in certain areas and allows city governments to charge up to \$100 for the permit. The city governments will be issuing permits and collecting fees and none of these funds will go to the State. Additionally, this bill does not require any additional resources or expenses to be incurred by the Department of Health and Human Services. There is no additional cost to the State for enactment of this bill into law.

SOURCES OF DATA:

Division of Health Service Regulation, Department of Health and Human Services

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Lisa Hollowell

APPROVED BY: Lynn Muchmore, Director
Fiscal Research Division

DATE: May 30, 2011



Signed Copy Located in the NCGA Principal Clerk's Offices