

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 538
Committee Substitute Favorable 4/22/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H538-PCS70484-ST-83

Short Title: Apex Land Use Changes.

(Local)

Sponsors:

Referred to:

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH
3 RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A QUASI-JUDICIAL
4 DECISION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-388(e)(2), as enacted by Section 2 of S.L. 2013-126,
7 reads as rewritten:

8 "(2) A member of any board exercising ~~quasi-judicial functions pursuant to this~~
9 ~~Article~~ the functions of a board of adjustment shall not participate in or vote
10 on any quasi-judicial matter in a manner that would violate affected persons'
11 constitutional rights to an impartial decision maker. Impermissible violations
12 of due process include, but are not limited to, a member having a fixed
13 opinion prior to hearing the matter that is not susceptible to change,
14 undisclosed ex parte communications, a close familial, business, or other
15 associational relationship with an affected person, or a financial interest in
16 the outcome of the matter. If an objection is raised to a member's
17 participation and that member does not recuse himself or herself, the
18 remaining members shall by majority vote rule on the objection."

19 **SECTION 2.** G.S. 160A-393 is repealed.

20 **SECTION 3.** G.S. 160A-377 is repealed.

21 **SECTION 4.** This act applies to the Town of Apex only.

22 **SECTION 5.** This act becomes effective October 1, 2013, and applies to
23 quasi-judicial decisions of the Town on or after that date.



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