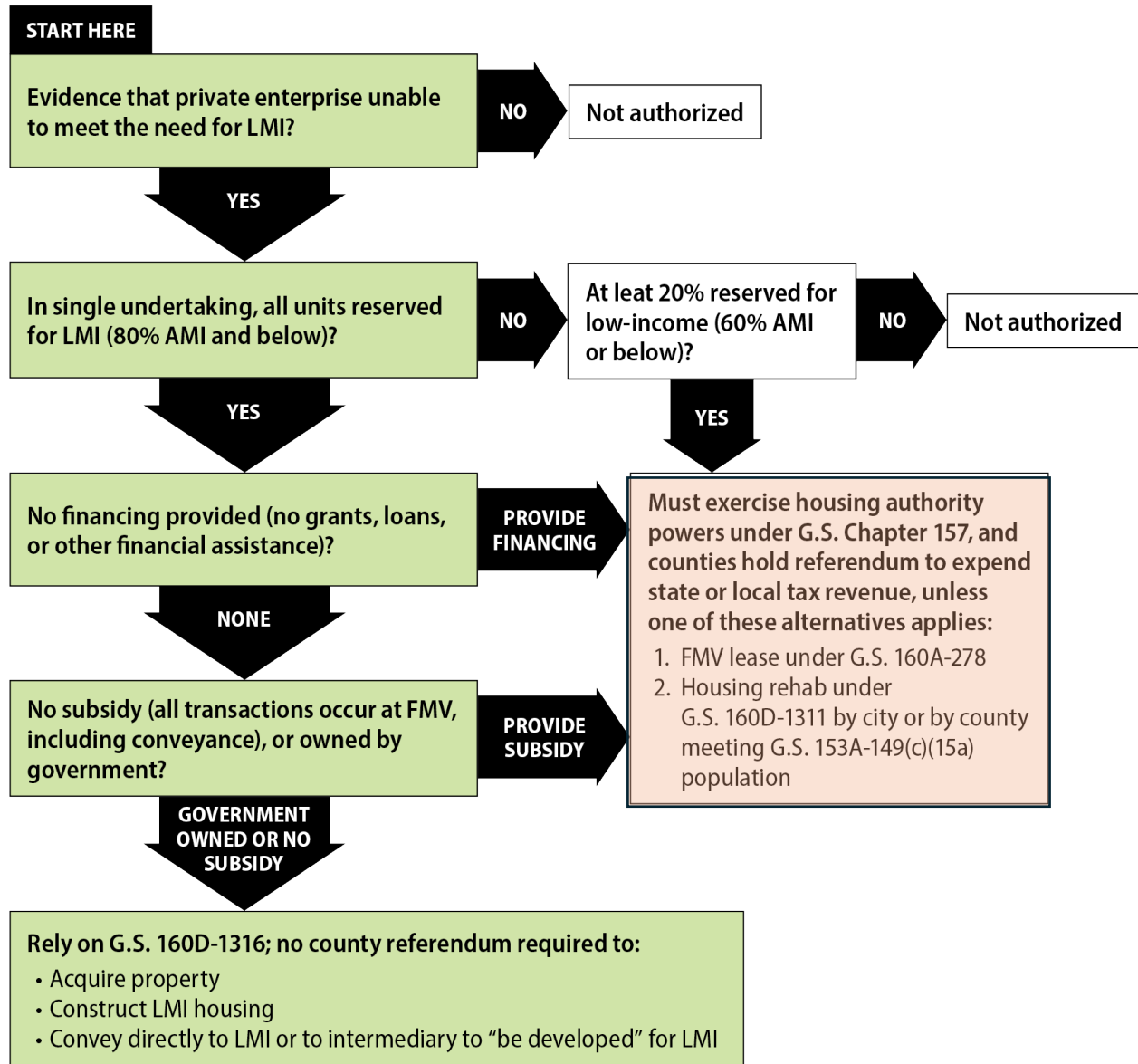


Flowchart to Determine Statutory Authority for Engaging in Housing Projects



C. Tyler Mulligan, *Community Development, Revitalization, and Affordable Housing (Ch. 26)*, County and Municipal Government (UNC School of Government 2025).

Statutory Authority for Conveyance of Real Property and Financial Assistance for Housing Projects

Private Sale/Lease of Real Property *at or above* Fair Market Value (FMV)

Household (HH) income eligibility restrictions imposed	Lease in capacity as city or county	Sale in capacity as city or county	Exercising powers of housing authority per G.S. 160D-1311(b)
All units for LMI only (no HH over 80% AMI served)	G.S. 160A-278	G.S. 160D-1316(3)	G.S. 157-3(12), 157-9*
HHs above 80% AMI served. At least 20% of units reserved for 60% AMI or below	G.S. 160A-278	No statutory authority	G.S. 157-3(12), 157-9*
HHs above 80% AMI served. Less than 20% of units set aside for 60% AMI or below	No statutory authority or supporting constitutional case law		
Compliance period (unless sold to eligible HH)	Entire lease term	Perpetual & reverter	Perpetual & reverter

*Yellow highlighting indicates referendum required for counties if property acquired with state or local tax revenues.

Private Sale/Lease of Real Property *below* FMV (Subsidy Flows to Eligible HHs)

Household (HH) income eligibility restrictions imposed	Acting in capacity as city or county	Exercising powers of housing authority per G.S. 160D-1311(b)
All units for LMI only (no HH over 80% AMI served)	No statutory authority	G.S. 157-3(12), 157-9*
HHs above 80% AMI served. At least 20% of units reserved for 60% AMI or below	No statutory authority	G.S. 157-3(12), 157-9*
HHs above 80% AMI served. Less than 20% of units set aside for 60% AMI or below	No statutory authority or supporting constitutional case law	
Compliance period (unless sold to eligible HH)	Not permitted	Perpetual & reverter. PLUS, if rental, 20% of units set aside for 60% AMI for 15 years. G.S. 157-9.4

*Yellow highlighting indicates referendum required for counties.

Financial Assistance (Subsidy Must Flow to Eligible HHs)

Household (HH) income eligibility restrictions imposed	Acting in capacity as city or county	Exercising powers of housing authority per G.S. 160D-1311(b)
All units for LMI only (no HH over 80% AMI served)	No statutory authority	G.S. 157-3(12), 157-9*
HHs above 80% AMI served. At least 20% of units reserved for 60% AMI or below	No statutory authority	G.S. 157-3(12), 157-9*
HHs above 80% AMI served. Less than 20% of units set aside for 60% AMI or below	No statutory authority or supporting constitutional case law	
Compliance period (unless sold to eligible HH)	Not permitted	Rental: 20% of units set aside for exclusive use of 60% AMI for 15 years. G.S. 157-9.4

*Yellow highlighting indicates referendum required for counties.