



## **MEDIA RELEASE**

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## **Dare County Municipalities Unite to Protect Autonomy Amid State Budget Bill Concerns**

NAGS HEAD, North Carolina – Friday, October 6, 2023 – On September 19, 2023, Dare County municipalities learned of a provision in the draft state budget bill that would provide special rights and protections to any Dare County Affordable Housing project funded pursuant to Section 24.1 of Session Law 2022-74. Specifically, this law would exempt these projects from all local zoning authority and would require any town within one mile of a project to provide services (water, sewer) in the same manner as provided within the town limits. This law would be a local act that would apply only in Dare County.

The Boards of all six Dare County municipalities, after consulting with their respective attorneys, have authorized, and signed onto, a complaint against the State of North Carolina seeking a declaratory judgement and injunctive relief regarding the previously mentioned provisions in the budget bill. The towns have publicly stated their opposition to these developments through resolutions/letter over the past two weeks. These actions would strip Dare County communities of their ability to offer basic land use and zoning protections afforded to all citizens of the state. In addition, they would force the communities to provide services regardless of their capacity to offer

these services and without regard to the needs of the citizens who have paid to put these services in place.

Pertinent allegations in the complaint state the following:

1. The effect of the Dare County Local Act is to require Plaintiffs to allow these Dare County Affordable Housing Projects to be constructed within a town or area of a private party's choosing and to be completely exempt from certain zoning and regulatory controls that otherwise apply to all other development of property within Plaintiffs' jurisdictions. The Dare County Local Act requires this despite the fact that citizens throughout Dare County have expressed strenuous objection to the placement of these Dare County Projects in certain zoning districts and other parts of some of Plaintiffs' jurisdiction.
2. In this action, Plaintiffs seek a declaration that the Dare County Local Act is a constitutionally prohibited local or special enactment and otherwise violates certain provisions of the Constitution of North Carolina and also deprives Plaintiffs of their property for a purpose other than a constitutionally permitted purpose.
3. For the foregoing reasons, Plaintiffs request that the Court enter a temporary restraining order, preliminary injunction, and permanent injunction enjoining the effectiveness, operation and enforcement of the Dare County Local Act, prohibiting the Project from commencing without complying with Plaintiffs' applicable zoning and development regulations adopted under their authority granted by Articles 6, 7 and 8 of Chapter 160D of the General Statutes, and directing that Plaintiffs Nags Head, Kill Devil Hills and Manteo may continue to manage and operate their utility systems and make decisions regarding connections and services without regard to the Dare County Local Act.

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