

# Carolina Journal Exclusives

## Problems With Forced Annexation Exposed in New Guide

**Question-and-answer format highlights law's flaws, refutes myths**

**By**

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RALEIGH — North Carolina has an "extreme" annexation law that needs major reform. That's the assessment of a expert who outlines the law's flaws in a new to forced annexation.

"My analysis of the level of recourse provided to property owners targeted for forced annexation shows that 48 states -- virtually every other state in the country -- have abandoned North Carolina's outdated approach to forced annexation," said , the guide's author. "The 4.1 million North Carolinians who live in unincorporated areas make up 46 percent of the state's population. These are the people who could become victims of forced annexation. They deserve better than this state's current annexation law."

The guide pinpoints problems with the law through a series of 25 questions and 25 answers. "The question-and-answer format gets beyond the rhetoric and explains the truth about forced annexation," said Bakst, JLF Legal and Regulatory Policy Analyst. "If a city council was given unlimited power to kick city residents out of the city, there would be outrage. The idea would be considered absurd."

"Yet in North Carolina, a city council with no relationship to citizens who live in unincorporated areas can generally do whatever it wants to bring those citizens into the city," Bakst added. "This Q&A guide exposes the absurdity of the current law."

Bakst's guide starts with the basics. "In the answer to the first question, the guide explains that forced annexation is a type of city-initiated annexation that allows municipalities unilaterally to force citizens living in unincorporated areas into the municipalities," Bakst said. "The primary purpose of forced annexation, according to the North Carolina Supreme Court, is for municipalities to provide meaningful services to areas."

Other sections address questions linked to oversight. "Except for courts that can review very narrow issues, there is no oversight of city-initiated annexations," Bakst's guide explains. "Counties should provide necessary oversight. Close to half of the states -- 45 percent -- that have annexation of unincorporated areas allow counties to approve annexations. This does not include the other means by which states provide oversight, such as through boundary commissions."

Bakst also focuses attention on provisions in state annexation laws that deal with voting. North Carolina's law does not allow targeted property owners to vote on a potential annexation.

"Sixty-seven percent of states that have annexation of unincorporated areas allow a vote or approval by the affected property owners," Bakst said. "The trend is to allow more voting for affected property owners. From 1978 to 1997, five additional states allowed a vote."

The guide also addresses the argument that North Carolina's current annexation law helps cities and towns maintain good bond ratings. "North Carolina is one of 11 states with at least four municipalities that have a top rating from the Moody's or Standard and Poor's bond-rating agencies," Bakst said. "Six of the 11 states have more top-rated municipalities than North Carolina -- Massachusetts has more than double the number. North Carolina is the only state of these 11 that allows forced annexation."

Bakst refutes a key myth in the forced annexation debate. "Some believe North Carolina has a 'model' annexation statute," he said. "Given that virtually every other state does not follow North Carolina's approach, it hardly can be considered the model. There has been constant misrepresentation that North Carolina has a model statute."

"This false claim comes from misrepresentations of a 1975 report from a now-defunct federal body called the Advisory Commission on Intergovernmental Relations, or ACIR," Bakst added. "After highlighting the two best options for addressing city-initiated annexations, that ACIR report points to North Carolina's forced annexation procedures as third option. It's clear from the report that the first two options are preferred to North Carolina's statute. For decades, though, the clear impression that has been given is that the 1975 ACIR report recommended *only* North Carolina's statute."

Truth about the annexation debate should lead to change, Bakst said. "It has been a half century since North Carolina passed the current annexation law," he said. "It is not a lot to ask for every North Carolinian to be treated equally, regardless of whether they live in cities or not. This 50th year anniversary of the outdated annexation law should be celebrated with real reform."