



## CHAPTER 115C

## ARTICLE 38B - NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND

## N.C.G.S. § 115C-546.13.

# Lease exception; requirements.

| SOURCE                                                                   | LAST AMENDMENT IN THIS TEXT    | RETRIEVED                    | SOURCE FINGERPRINT                                                     |
|--------------------------------------------------------------------------|--------------------------------|------------------------------|------------------------------------------------------------------------|
| General Statutes of North Carolina, as published by the General Assembly | No amendment history on record | 21 September 2026, 03:43 UTC | d4a6e1245d0d3509ba1bedc1 - 8153fe7e75cdcc3003be823c - 31b6835dfee8516e |

**§ 115C-546.13(a)** Notwithstanding any provision of this Article to the contrary, a county may utilize grant funds for a lease agreement if all of the following criteria are met:

- (1) Ownership of the subject property on which the leased school is constructed shall be retained by the county.
- (2) The lease agreement shall include a repairs and maintenance provision that requires the landlord to bear the entire expense of all repairs, maintenance, alterations, or improvements to the basic structure, fixtures, appurtenances, and grounds of the subject property for the term of the lease.
- (3) The lease agreement shall be for a term of at least 15 years and no more than 25 years.
- (4) In lieu of the progress payment requirement provided in G.S. 115C-546.11(b), a county that has entered into a lease agreement shall provide a copy of the lease agreement to the Department of Public Instruction and shall be periodically reimbursed upon submission of documentation satisfactory to the Department that the matching requirement of this section has been met.

**§ 115C-546.13(b)** For the purposes of this section, the term "lease agreement" shall include any ancillary agreements or predevelopment agreements entered into in anticipation of or in accordance with a lease. A lease agreement entered into pursuant to this subsection shall be subject to the requirements of Article 8 of Chapter 159 of the General Statutes. In determining whether the lease agreement is necessary or expedient pursuant to G.S. 159-151(a)(1) and G.S. 159-151(b)(1), the Local Government Commission may

consider any other relevant construction and financing methods available to the county. (2021-180, s. 4.4(a).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II  
3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

| REFERENCE           | APPEARS IN | OPERATIVE LANGUAGE IN THIS SECTION             |
|---------------------|------------|------------------------------------------------|
| G.S. 115C-546.11(b) | (a)(4)     | "the progress payment requirement provided in" |
| G.S. 159-151(a)(1)  | (b)        | "is necessary or expedient pursuant to"        |
| G.S. 159-151(b)(1)  | (b)        | "expedient pursuant to G.S. 159-151(a)(1) and" |

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 115C-546.13 (2026).

PINPOINT

N.C. Gen. Stat. § 115C-546.13(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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