

Property, Trusts, and Estates

See full summary documents for additional detail

H492 - Simplify Builder Inventory Exclusion. (SL 2019-123)

S.L. 2019-123 allows a builder to file a one-time application for the builder inventory property tax exclusion, effective for property tax years beginning July 1, 2019.

H531 - Protecting Tenants at Foreclosure Act Restored. (SL 2019-53)

S.L. 2019-53 repeals protections for tenants in foreclosed properties enacted after the 2014 sunset expiration of substantially similar protections under federal law. This act reflects the restoration by Congress in 2018 of the expired federal protections.

This act became effective October 1, 2019, and applies to petitions seeking an order for possession of property sold at foreclosure filed on or after that date.

H675 - 2019 Building Code Regulatory Reform. (SL 2019-174)

S.L. 2019-174 does all of the following:

- Requires the North Carolina Building Code Council (Building Code Council) to:
 - Create a form for inspection certifications by licensed engineers and licensed architects.
 - Conduct a cost-benefit analysis for all proposed changes to the North Carolina Energy Conservation Code.
 - Consult with the Department of Environmental Quality (DEQ) to study options for on-site disposal of demolition debris.
- Requires the North Carolina Code Officials Qualification Board (Q-Board) to establish a standard certificate for a residential changeout inspector.
- Clarifies the definition of building "component."
- Prohibits cities and counties from requiring:
 - Licensed engineers and licensed architects inspecting building components or elements to submit information other than that required on the inspection certification form.
 - Residential building plans submitted by licensed engineers and licensed architects to be under seal unless required by the North Carolina State Building Code (State Building Code).
 - Developers to bury existing above ground power lines.
 - A minimum square footage for residential structures.
- Requires cities and counties to:
 - Complete initial residential plan reviews within 15 business days.
 - Issue temporary certificates of occupancy in certain circumstances.
- Makes it a Class 2 misdemeanor to falsely claim or suggest that a person, firm, or corporation is a licensed general contractor.
- Exempts, under certain circumstances, temporary motion picture, television, and theater stage sets and scenery from the State Building Code permit requirement.
- Authorizes the Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors to establish and issue a Residential Fire Sprinkler Design License.

- Extends to October 1, 2021, the requirement to report to the Department of Insurance (DOI), any residential framing inspection resulting in 15 or more violations.
- Requires the DOI to issue a guidance paper by October 1, 2019, on the review of residential building plans.

This act has various effective dates, please see the full summary for more detail.

S313 - Perf. Guar. to Streamline Afford. Housing. (SL 2019-79)

S.L. 2019-79 makes various changes to State law concerning performance guarantees for the successful completion of required improvements.

This act became effective July 4, 2019, and applies to performance guarantees issued on or after that date.

S316 - Affordable Housing. (SL 2019-144)

S.L. 2019-144 directs municipalities with a population of at least 90,000 to report to the General Assembly on local government funding, subsidies, and activities related to affordable housing.

The act became effective July 19, 2019.

S332 - Civil Procedure/Limitations/Land Surveyors. (SL 2019-164)

S.L. 2019-164 provides that in a negligence action against a professional land surveyor or person acting under the surveyor's supervision and control, a cause of action for physical damage is deemed to accrue at the time of the occurrence of the physical damage giving rise to the cause of action.

The act also provides that a negligence action against a professional land surveyor or person acting under the surveyor's supervision and control must be commenced within seven years from the specific last act or omission giving rise to the cause of action.

This act became effective on July 26, 2019, and applies to actions arising on or after that date.

S353 - Amend Cartway Path/Septic Tank Laws. (SL 2019-215)

S.L. 2019-215 establishes a maximum width of 30 feet for cartways; amends certain septic tank setback distances for applications and development plans submitted on or before August 1, 2019; and extends the date for counties to impose special assessments on benefited property for certain infrastructure improvements that have not been approved under a final assessment resolution from July 1, 2020, to July 1, 2025.

This act has various effective dates. Please see the full summary for more detail.

S355 - Land-Use Regulatory Changes. (SL 2019-111)

Part I of S.L. 2019-111 makes various changes to the land-use regulatory laws of the State, and became effective on July 11, 2019.

Part II of S.L. 2019-111 reorganizes and consolidates existing statutes governing local government regulation of land planning and development into a new Chapter 160D of the General Statutes. Part II also makes various changes to these laws. Part II of this act also clarifies and restates the intent of existing law.

Part II becomes effective January 1, 2021, and applies to local government development regulation decisions made on or after that date. Insofar as Part II clarifies and restates the intent of existing law, it applies to ordinances adopted before, on, and after that date.

This act has various effective dates. Please see the full summary for more detail.

S394 - Changes to Estates & Trusts Statutes. (SL 2019-113)

Session Law 2019-113 makes various changes to State laws dealing with estates, trusts, and guardianships. For more detailed information about each of these changes, please see the full summary.

The act became effective July 11, 2019. For more detailed information about the applicability of each section of the act, please see the full summary.

S462 - Modifications to NC Appraisal Board. (SL 2019-146)

S.L. 2019-146 replaces education, experience, and examination requirements for registration, licensure, and certification of real estate appraisers with those required by The Appraisal Foundation Appraiser Qualifications Board.

Section 3 of this act allows the Board to collect fees from NC registered, and federally regulated, appraisal management companies to render them eligible to perform services in connection with federally related transactions. It also allows the Board to collect a fee from these companies to be placed on the AMC National Registry.

Section 6 of this act provides that a business eligible for a Job Maintenance and Capital Development Fund may have an agreement that provides that a grant paid out over the term of the agreement be in unequal annual payments and in amounts deviating from certain factors for annual payments, provided those factors are considered in the aggregate award to be paid over the entire term of the agreement.

Sections 1, 2, and 3 of this act became effective October 1, 2019, and apply to registrations, licensures, and certifications issued after that date. Section 6 of this act became effective July 22, 2019, and applies to agreements entered on or after that date. The remainder of this act became effective July 22, 2019.

S483 - Vacation Rental Act Changes. (SL 2019-73)

S.L. 2019-73 provides that properties subject to the Vacation Rental Act are also subject to the statutes governing local government enforcement of hazardous and unlawful conditions.

This act became effective July 1, 2019.

S532 - Amends Probate/Trusts/Wills Choice of Law. (SL 2019-178)

S594 - Register of Deeds Updates. (SL 2019-117)

S.L. 2019-117 does the following:

- Clarifies standards and requirements for registration of certain records with the Register of Deeds.
- Makes changes to the prohibition on filing false liens.
- Provides suggested forms for the registration of assumed business names.
- Makes various conforming changes.

The section of the act pertaining to the filing of a false lien became effective December 1, 2019. The remainder of the act became effective October 1, 2019, and applies to instruments, certificates, and amended certificates submitted on or after that date.