

Property, Trusts, and Estates

See full summary documents for additional detail

Human Trafficking Changes.

SL 2024-26 (H971)

S.L. 2024-26 does the following:

- Directs the Department of Labor to develop human trafficking awareness training.
- Requires certain employees and third-party contractors of lodging establishments and vacation rentals to complete human trafficking awareness training.
- Increases the penalty for a first offense of soliciting another for prostitution.
- Allows victims and alleged victims of human trafficking crimes to move for victim confidentiality in criminal proceedings.
- Requires any person initiating a child custody proceeding to disclose certain criminal convictions and history of child custody proceedings.
- Generally prohibits viewing of pornography by employees on government networks and devices, including those of public agencies, the judicial branch, and the legislative branch.
- Directs the Division of Social Services, Department of Health and Human Services, to expand, further develop, and implement human trafficking awareness trainings.
- Provides Criminal Justice Law Enforcement Automated Data Services (CJLEADS) access to campus police.
- Establishes that documentation compiled by the Housing Finance Agency for the purposes of financing housing for victims of domestic violence, sexual assault, and human trafficking are not public records.
- Modifies the definition of victim in the Crime Victim's Compensation Act.

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

Insurance Revisions/Online Auctions/Firefighters.

SL 2024-29 (S319)

Session Law 2024-29:

- Clarifies that risk retention groups chartered in this State are subject to examination by the Commissioner of Insurance and are responsible for the costs of the examination.
- Reduces from 5% to 1.85% the tax rate applicable to gross premiums paid for coverages within this State to risk retention groups not chartered in this State.
- Removes the requirement that foreign captive insurance companies redomesticate to North Carolina before December 31, 2022, in order to qualify for the exemption from paying gross premiums taxes in the year of and after redomestication and extends by two years the expiration date of this exemption, ending it for taxable years beginning on or after January 1, 2026.

- Allows certain foreclosure sales to be conducted at designated public locations, expands the time allowed for a scheduled foreclosure sale to commence, and establishes a procedure for remote bidding at a foreclosure sale.
- Permits health benefit plan sponsors, on behalf of any enrolled individual, to consent to delivery of all plan-related documents by electronic means in compliance with the Uniform Electronic Transactions Act, if that is not otherwise prohibited under ERISA.
- Permits an individual to be licensed simultaneously as an adjuster and as an insurance producer with casualty, personal lines, or property lines of authority.
- Clarifies that either the appointing insurer or the appointed insurance producer can notify the Commissioner when the appointment is cancelled.
- Amends the definition of an "underinsured motor vehicle" by removing language that states the applicable limits of underinsured (UIM) coverage at the time of the accident are those "for the vehicle involved in the accident and insured under the owner's policy."
- Makes technical corrections to certain insurance provisions in S.L. 2023-133 concerning the calculation of underinsured motorist coverage and insurance ratemaking laws.
- Establishes the Firefighters' Cancer Insurance Program to provide health benefits to eligible firefighters with a new diagnosis of cancer on or after January 1, 2022.
- Increases from \$10.00 to \$15.00 the monthly payment by eligible firefighters and rescue squad workers who participate in the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund and increases the monthly pension benefit from \$170.00 to \$175.00.
- Requires a county to ensure a criminal history record check is conducted for an applicant over the age of 18 who is applying for a firefighting position and allows county clerks of court and third-party vendors to conduct a record check under certain conditions.

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

Allow School Boards to Use Eminent Domain for Easements – Public Safety/Other Changes.

SL 2024-43 (H250), Sec. 5

Section 5 of S.L. 2024-43 authorizes local boards of education to use eminent domain to acquire property for utility easements necessary to support school facilities. Utility easements include easements for water, sanitary sewer, electric power, broadband, and telecommunication services.

This section became effective July 1, 2024.

Tenancy in Common/E-Notary/Small Claims Changes.

SL 2024-47 (H556)

Section 1 of S.L. 2024-47 codifies common law rules governing concurrent ownership of real property as tenants in common.

This bill was vetoed by the Governor on July 3, 2024, and that veto was overridden by the General Assembly on September 9, 2024. Section 1 of the act became effective September 9, 2024.

Preemption of Local Regulations – Tenancy in Common/E-Notary/Small Claims Changes.

SL 2024-47 (H556), Sec. 7

Section 7 of S.L. 2024-47 prohibits counties and cities from adopting certain ordinances or resolutions that would prohibit landlords from refusing to rent to a tenant because the tenant's lawful source of income to pay rent includes funding from a federal housing assistance program.

This bill was vetoed by the Governor on July 3, 2024, and that veto was overridden by the General Assembly on September 9, 2024. This section of the act became effective September 9, 2024.

Summary Ejectment and Small Claims Action Changes – Tenancy in Common/E-Notary/Small Claims Changes.

SL 2024-47 (H556), Secs. 8-9

Sections 8 and 9 of S.L. 2024-47 do the following:

- Clarify authorized litigation costs in summary ejectment matters.
- Provide that judgment in a small claim action can be rendered electronically by the magistrate.
- Begin the appeal period in a small claim action when a judgment is rendered by the magistrate.

This bill was vetoed by the Governor on July 3, 2024, and that veto was overridden by the General Assembly on September 9, 2024. Section 8 of this act became effective September 9, 2024, and the amendments contained in this section are intended to be clarifying of the General Assembly's intent under previous amendments to this statute. Section 9 of this act becomes effective October 1, 2024, and applies to judgments rendered on or after that date.

No Local Government Initiated Down-Zoning Without Consent of Affected Property Owner – Disaster Relief-3/Budget/Various Law Changes.

SL 2024-57 (S382), Sec. 3K.1

Section 3K.1 of S.L. 2024-57 prohibits, without the written consent of affected property owners, local government initiated rezonings or text amendments that (i) decrease the permitted density of development, (ii) reduce the range or permitted uses of the property, or (iii) create any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.

This bill was vetoed by the Governor on November 26, 2024, and the veto was overridden by the General Assembly on December 11, 2024. This section of the act became effective on December 11, 2024 and applies to local government ordinances adopted on or after that date, and any local government ordinance enacting down-zoning of property during the 180 days prior to December 11, 2024.