

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS35169-RI-22 (03/23)

Short Title: Stormwater Best Mgmt. Responsibility/Asscs. (Public)

Sponsors: Senator Clodfelter.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL
3 RESOURCES TO TRANSFER A PERMIT FOR A STORMWATER BEST
4 MANAGEMENT PRACTICE FROM A DECLARANT OF A CONDOMINIUM OR
5 PLANNED COMMUNITY TO AN OWNERS' ASSOCIATION UPON REQUEST OF
6 THE DECLARANT AND SUBMISSION OF DOCUMENTATION THAT DECLARANT
7 CONTROL HAS TERMINATED.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 143-214.7 is amended by adding a new subsection to read:

10 "(c2) Upon request of a declarant of a condominium governed by Chapter 47C of the
11 General Statutes or a planned community governed by Chapter 47F of the General Statutes, the
12 Department shall transfer a permit issued under this section for a stormwater best management
13 practice from the declarant to the unit owners' association, owner's association, or other
14 management entity identified in the condominium or planned community's declaration if the
15 Department finds that the stormwater best management practice is in substantial compliance
16 with the stormwater permit issued to the declarant by the Department, and the period of
17 declarant control of the condominium or planned community has terminated. For purposes of
18 this subsection, declarant control shall be deemed to terminate after conveyance of fifty percent
19 (50%) of the units or lots to owners other than a declarant. In support of a request made
20 pursuant to this subsection, a declarant shall submit documentation to the Department sufficient
21 to demonstrate that the period of declarant control has terminated as provided in this
22 subsection."

23 **SECTION 2.** This act is effective when it becomes law.

