

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 85
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40069-MQ-42

Short Title: Protect Private Property Rights. (Local)

Sponsors: Representatives Hastings and Saine (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE INCLUSION OF REAL PROPERTY ON A
3 COMPREHENSIVE TRANSPORTATION PLAN IS NOT A REQUIRED DISCLOSURE
4 OR A MATERIAL FACT FOR THE PURPOSES OF DISCLOSURE FOR REAL ESTATE
5 TRANSACTIONS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 9 of Chapter 39 of the General Statutes is amended by adding
8 a new section to read:

9 "**§ 39-51. Inclusion of real property in a comprehensive transportation plan not a material**
10 **fact.**

11 In offering real property for conveyance, rent, or lease, the fact that the real property, or any
12 portion thereof, is included in a financially constrained transportation plan shall be deemed
13 material; however, the mere fact that the real property, or any portion thereof, is included in a
14 comprehensive transportation plan that is not financially constrained adopted pursuant to
15 G.S. 136-66.2 or G.S. 136-212, or in accordance with 23 U.S.C. §§ 134 or 135, shall not, standing
16 alone, be deemed material. A party to the conveyance, rental, or lease of real property, or an
17 agent of any said party, may not knowingly make a false statement regarding the property's
18 inclusion on any transportation plan."

19 **SECTION 2.** G.S. 47E-4 reads as rewritten:

20 "**§ 47E-4. Required disclosures.**

21 ...

22 (b3) The inclusion of real property in a comprehensive transportation plan that is not
23 financially constrained adopted pursuant to G.S. 136-66.2 or G.S. 136-212, or in accordance with
24 23 U.S.C. §§ 134 or 135, shall not be considered a required disclosure as provided in this section,
25 provided, however, that no person subject to this Chapter, or an agent of a person subject to this
26 Chapter, may knowingly make a false statement regarding any such fact.

27"

28 **SECTION 3.(a)** This act applies to Cleveland and Lincoln Counties only.

29 **SECTION 3.(b)** This act is effective when it becomes law and applies to real estate
30 contracts entered into on or after that date.

