

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 85

Short Title: Protect Private Property Rights. (Local)

Sponsors: Representatives Hastings and Saine (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

February 17, 2021

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE INCLUSION OF REAL PROPERTY ON A  
COMPREHENSIVE TRANSPORTATION PLAN IS NOT A REQUIRED DISCLOSURE  
OR A MATERIAL FACT FOR THE PURPOSES OF DISCLOSURE FOR REAL ESTATE  
TRANSACTIONS.

The General Assembly of North Carolina enacts:

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

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

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

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

**"§ 47E-4. Required disclosures.**

...

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

...."

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

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

