

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS45138-NN-38

Short Title: Historic Flood Event Bldg. Code Exemption. (Public)

Sponsors: Senators Moffitt, Daniel, and Britt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH EXEMPTIONS FROM CERTAIN FLOODPLAIN
3 REQUIREMENTS FOR THE REPLACEMENT OR RECONSTRUCTION OF
4 STRUCTURES DAMAGED BY HISTORIC FLOOD EVENTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** G.S. 143-138 is amended by adding a new subsection to read:

7 "(e1) Exemption for Historic Flood Event. – Notwithstanding any provision of law to the
8 contrary, including subsection (e) of this section, the North Carolina State Building Code, any
9 floodplain regulation established under Part 6 of Article 21 of Chapter 143 of the General
10 Statutes, a development regulation established pursuant to authority in Chapter 160D of the
11 General Statutes, or any other local ordinance, the following shall apply:

12 (1) Replacement or reconstruction. – The owner of a lawfully established building
13 or structure damaged by a historic flood event may replace or reconstruct the
14 building or structure within the base floodplain, as defined in
15 G.S. 143-215.52(1b), to the same or lesser extent or volume existing
16 immediately before the historic flood event, without regard to changes in State
17 or local regulations adopted after the building or structure was lawfully
18 established, subject to the limitation of subdivision (2) of this subsection.

19 (2) Limitation. – Replacement or reconstruction that increases the extent or
20 volume of the building or structure within the base floodplain shall not be
21 authorized unless hydrologic and hydraulic analyses, prepared in accordance
22 with standard engineering practice by a registered design professional,
23 demonstrate that the proposed replacement or reconstruction will not result in
24 any increase in the base flood elevation.

25 (3) Definitions. – For purposes of this subsection, the following definitions apply:

26 a. 200-year flood. – A flood having a one-half of one percent (0.5%)
27 probability of being equaled or exceeded in any given year, resulting
28 in floodwater elevations higher than the base flood elevation
29 associated with a 100-year flood.

30 b. Historic flood event. – A flood event that meets or exceeds a 200-year
31 flood."

32 **SECTION 1.(b)** G.S. 143-215.54(a) reads as rewritten:

33 "(a) A ~~Subject to G.S. 143-138(e1) and G.S. 160D-108, a~~ local government may adopt
34 ordinances to regulate uses in flood hazard areas and grant permits for the use of flood hazard
35 areas that are consistent with the requirements of this Part."

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

