

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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SENATE BILL 395

Short Title: Disaster Relief Eviction Moratorium Act. (Public)

Sponsors: Senator Applewhite (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 25, 2025

A BILL TO BE ENTITLED  
AN ACT TO ALLOW THE GOVERNOR TO ISSUE AN EXECUTIVE ORDER ENFORCING  
A RESIDENTIAL EVICTION MORATORIUM IN DECLARED STATES OF  
EMERGENCY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 166A-19.20 reads as rewritten:

**"§ 166A-19.20. Gubernatorial or legislative declaration of state of emergency.**

(a) Declaration. – A state of emergency may be declared by the Governor or by a resolution of the General Assembly, if either of these finds that an emergency exists.

(b) Emergency Area. – An executive order or resolution declaring a state of emergency shall include a definition of the area constituting the emergency area.

(c) Expiration of States of Emergency. – A-Except as provided in subsection (c3) of this section, a state of emergency declared pursuant to this section shall expire as follows:

(1) If not a statewide emergency area, when it is rescinded by the authority that issued it.

(2) If a statewide emergency area, 30 calendar days after issuance without a concurrence of the Council of State. A declaration of emergency may not be continued without the concurrence of the Council of State. If the Council of State concurs with the declaration of emergency, the declaration of emergency shall expire 60 calendar days after issuance, unless the General Assembly extends the declaration of emergency by enactment of a general law. If the General Assembly does not extend the declaration of emergency by enactment in accordance with this subdivision, the Governor shall not issue a substantially similar declaration of emergency arising from the same events that formed the basis to issue the initial declaration of emergency that was not extended.

...

(c3) Residential Eviction Moratorium. – If the Governor or the General Assembly declares a state of emergency, the Governor may institute a residential eviction moratorium in the emergency area by issuance of an executive order if the Governor finds that the disaster has caused widespread displacement, job loss, or other economic hardships that would lead to a significant increase in homelessness but for a moratorium. An initial executive order instituting a residential eviction moratorium shall not exceed 90 calendar days. The Governor may subsequently extend the residential eviction moratorium in increments of 30 calendar days, provided that the moratorium does not exceed 180 total calendar days.



1     An executive order issued in accordance with this subsection shall remain in full force and  
2     effect unless rescinded by the Governor. The General Assembly and the Council of State shall  
3     not have the authority to rescind, modify, or otherwise affect a residential eviction moratorium  
4     issued under this subsection.

5     For the purposes of this subsection, the term "eviction" means any action taken by a landlord  
6     to remove a tenant, including formal eviction proceedings, nonrenewal of a lease for reasons  
7     related to nonpayment of rent, or any other involuntary removal from a rental unit.

8     This subsection shall be presumed valid and necessary to protect the health, safety, and  
9     welfare of the residents of this State during a declared state of emergency, and a court of  
10    competent jurisdiction shall evaluate any action in accordance with this subsection under a  
11    rational basis standard, recognizing the compelling State interest in preventing mass  
12    displacement and homelessness during a state of emergency.

13    (c4)   If the Governor issues an executive order under subsection (c3) of this section, the  
14    Governor may direct available State and federal funds, within the parameters of State and federal  
15    law, towards rental assistance programs to mitigate the financial impact on landlords and tenants.

16    (d)    Exercise of Powers Not Contingent on Declaration of Disaster Type. – Once a state  
17    of emergency has been declared pursuant to this section, the fact that a declaration of disaster  
18    type has not been issued shall not preclude the exercise of powers otherwise conferred during a  
19    state of emergency.

20    (e)    Extra Session; Emergency Transportation Expenditures. – The General Assembly  
21    considers a determination by the Secretary of Transportation under G.S. 136-44.2E(f) that  
22    anticipated emergency expenses will exceed the funds in the Transportation Emergency Reserve  
23    within the meaning of the term "extraordinary occasions," and therefore the Governor is  
24    authorized to convene the General Assembly in Extra Session under Section 5(7) of Article III  
25    of the North Carolina Constitution. The General Assembly strongly urges the Governor to  
26    convene the General Assembly in Extra Session within 14 days of notice by the Secretary under  
27    G.S. 136-44.2E(f) for the purpose of appropriating funds from the Savings Reserve to the  
28    Emergency Reserve to address the transportation needs of the State necessitated by a major  
29    disaster."

30         **SECTION 2.** This act is effective when it becomes law and applies to executive  
31    orders issued on or after that date.