

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 203
PROPOSED COMMITTEE SUBSTITUTE H203-PCS90093-RN-10

Short Title: Revisions/Homeowner/Homebuyer Protection Act.

(Public)

Sponsors:

Referred to:

March 5, 2013

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE HOMEOWNER AND HOMEBUYER PROTECTION ACT.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 47G-1 reads as rewritten:

5 "§ 47G-1. Definitions.

6 The following definitions apply in this Chapter:

7 ...

8 (4) Option contract or contract. – An option contract for the purchase of
9 property that includes or is combined with, or is executed in conjunction
10 with, a covered lease agreement. The term does not include a contract which
11 obligates the buyer to purchase the property even though the obligation may
12 be subject to one or more contingencies or unilateral rights to terminate the
13 contract.

14"

15 SECTION 2. G.S. 47G-7 reads as rewritten:

16 "§ 47G-7. Remedies.

17 ~~A violation of any provision of this Chapter constitutes an unfair trade practice under~~
18 ~~G.S. 75-1.1.~~ An option purchaser may bring an action for the recovery of damages, to void a
19 transaction executed in violation of this Chapter, as well as for declaratory or equitable relief
20 for a violation of this Chapter. The rights and remedies provided herein are cumulative to, and
21 not a limitation of, any other rights and remedies provided by law or equity. Nothing in this
22 Chapter shall be construed to subject an individual homeowner selling his or her primary
23 residence directly to an option purchaser to liability under G.S. 75-1.1."

24 SECTION 3. G.S. 47H-2 reads as rewritten:

25 "§ 47H-2. Minimum contents for contracts for deed; recordation.

26 ...

27 (b) Contents. – A contract for deed ~~contract~~ shall contain at least all of the following:

28 ...

29 (14) ~~A description of conditions of the property that includes whether the~~
30 ~~property, including any structures thereon, has water, sewer, septic, and~~
31 ~~electricity service, whether the property is in a floodplain, whether anyone~~
32 ~~else has a legal interest in the property, and whether restrictive covenants~~
33 ~~prevent building or installing a dwelling. If restrictive covenants are in place~~
34 ~~that affect the property, a copy of the restrictive covenants shall be made~~
35 ~~available to the purchaser at or before the execution of the contract.~~



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1 market value of the property must be performed no more than ~~90~~120 days prior to the transfer.
2 The appraisal shall be delivered to the transferor ~~no more than three days after the appraisal is~~
3 ~~performed and~~ no less than seven days prior to the time the transferor becomes obligated to
4 perform the agreement.~~transfer of the property. This section does not apply to exempt~~
5 ~~transactions.~~

6"

7 **SECTION 7.** This act becomes effective October 1, 2013, and applies to
8 transactions entered into on or after that date.