

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 184
PROPOSED COMMITTEE SUBSTITUTE H184-PCS10113-RN-1

Short Title: Support Private Property Rights.

(Public)

Sponsors:

Referred to:

March 2, 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.**

(a) For purposes of this section, the term "financially constrained" is as defined in 23
C.F.R. § 450.104.

(b) The mere fact that 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. This subsection shall apply to all of the following:

(1) Offering real property for conveyance, lease, or exchange.

(2) Any other real estate transaction, including those listed in G.S. 47E-1(1)-(4).

A party to the conveyance, lease, exchange, or transaction, or an agent of any said party, shall
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, shall knowingly make a false statement regarding any such fact. For purposes of this
subsection, the term "financially constrained" is as defined in 23 C.F.R. § 450.104.

...."

SECTION 3. This act becomes effective October 1, 2021, and applies to claims for
relief filed on or after that date.



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