

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS35149-MQ-96

Short Title: Condominium Declaration Requirement Changes. (Public)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CERTAIN INFORMATION TO BE INCLUDED IN
3 DECLARATIONS FOR CONDOMINIUMS PRIOR TO RECORDATION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 47C-2-105 reads as rewritten:

6 "§ 47C-2-105. Contents of declaration.

7 (a) The declaration for a condominium must contain all of the following:

8 ...

9 (5) A description, by reference to the plats or plans described in G.S. 47C-2-109,
10 of the boundaries of each unit created by the declaration, including the unit's
11 identifying number. A declaration may define a unit to include all or any
12 portion of the airspace or subterranean space between two legally identifiable
13 elevations, to include or exclude the surface of a legally described parcel of
14 real property, to include or exclude airspace lying above and subterranean
15 space lying below such surface, and to mean any specified combination of the
16 foregoing, whether or not contiguous. A unit that is not specifically described
17 by an upper limiting boundary with reference to established datum shall be
18 deemed to include so much of the land and air above the unit as would be
19 attributed to a noncondominium parcel of land under the common or statutory
20 law applicable to such noncondominium parcel of land. A unit that is not
21 specifically described by a lower limiting elevation boundary with reference
22 to established datum shall be deemed to include so much of the land and air
23 below the unit as would be attributed to a noncondominium parcel of land
24 under the common or statutory law applicable to such noncondominium parcel
25 of land.

26"

27 SECTION 2. G.S. 47C-2-101 reads as rewritten:

28 "§ 47C-2-101. Execution and recordation of declaration.

29 ...

30 (b) A declaration or an amendment to a declaration adding units to a condominium ~~must~~
31 ~~contain a certificate executed by~~ may not be recorded unless all structural components and
32 mechanical systems of all buildings containing or comprising any units thereby created are
33 substantially completed in accordance with building design plans of an architect licensed under
34 the provisions of Chapter 83A of the General Statutes or an engineer registered under the
35 provisions of Chapter 89C of the General Statutes stating that the plans for such building or
36 buildings fully and accurately depict the structural components and mechanical systems of all



1 ~~buildings containing or comprising any units thereby created;~~ Statutes, as evidenced by a
2 recorded certificate of completion executed by the architect or engineer; provided, however, that
3 (i) such requirement shall not apply to any unit or portion of a unit, the boundaries of which
4 comprise solely surface space, airspace, subterranean space, or any specified combination
5 thereof, as provided in G.S. 47C-2-105(a)(5).G.S. 47C-2-105(a)(5) and (ii) nothing in this
6 subsection shall require that the structural components and mechanical systems of buildings be
7 depicted on the plats or plans described in G.S. 47C-2-109(b)(6)."

8 **SECTION 3.** This act is effective when it becomes law and applies to declarations
9 executed and recorded on or after that date.