

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 184
Feb 25, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10052-RN-1

Short Title: Support Private Property Rights. (Public)

Sponsors: Representatives Hastings, Saine, Bradford, and Davis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE INCLUSION OF REAL PROPERTY ON A
3 COMPREHENSIVE TRANSPORTATION PLAN IS NOT A REQUIRED DISCLOSURE
4 OR A MATERIAL FACT FOR THE PURPOSES OF DISCLOSURE FOR REAL ESTATE
5 TRANSACTIONS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 9 of Chapter 39 of the General Statutes is amended by adding
8 a new section to read:

9 **"§ 39-51. Inclusion of real property in a comprehensive transportation plan not a material
10 fact.**

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

13 (b) In offering real property for conveyance or lease, the fact that the real property, or
14 any portion thereof, is included in a financially constrained transportation plan shall be deemed
15 material; however, the mere fact that the real property, or any portion thereof, is included in a
16 comprehensive transportation plan that is not financially constrained adopted pursuant to
17 G.S. 136-66.2 or G.S. 136-212, or in accordance with 23 U.S.C. §§ 134 or 135, shall not, standing
18 alone, be deemed material. A party to the conveyance or lease of real property, or an agent of
19 any said party, may not knowingly make a false statement regarding the property's inclusion on
20 any transportation plan."

21 **SECTION 2.** G.S. 47E-4 reads as rewritten:

22 **"§ 47E-4. Required disclosures.**

23 ...
24 (b3) The inclusion of real property in a comprehensive transportation plan that is not
25 financially constrained adopted pursuant to G.S. 136-66.2 or G.S. 136-212, or in accordance with
26 23 U.S.C. §§ 134 or 135, shall not be considered a required disclosure as provided in this section,
27 provided, however, that no person subject to this Chapter, or an agent of a person subject to this
28 Chapter, may knowingly make a false statement regarding any such fact. For purposes of this
29 subsection, the term "financially constrained" is as defined in 23 C.F.R. § 450.104.

30"

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

