

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40014-MQ-5

Short Title: Support Private Property Rights.

(Public)

Sponsors: Representative Hastings.

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) The mere fact that real property, or any portion thereof, is included in a
14 comprehensive transportation plan that is not financially constrained adopted pursuant to
15 G.S. 136-66.2 or G.S. 136-212, or in accordance with 23 U.S.C. § 134 or 135, shall not, standing
16 alone, be deemed material. This subsection shall apply to all of the following:

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

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

20 A party to the conveyance, lease, exchange, or transaction, or an agent of any said party, shall
21 not knowingly make a false statement regarding the property's inclusion on any transportation
22 plan."

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

24 **"§ 47E-4. Required disclosures.**

25 ...

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

32"

33 **SECTION 3.** This act becomes effective October 1, 2023, and applies to claims for
34 relief filed on or after that date.

