

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 488

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H488-ABR-15 [v.1]

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Amends Title [NO]
Third Edition

Date _____, 2023

Representative Winslow

1 moves to amend the bill on page 28, lines 3 through 4,
2 by inserting between those lines:

3
4 **"REQUIRE LOCAL GOVERNMENTS ISSUING STORMWATER PERMITS TO**
5 **TRANSFER SUCH PERMITS IN ACCORDANCE WITH REQUIREMENTS FOR**
6 **TRANSFER OF STATE-ISSUED STORMWATER PERMITS**

7
8 **SECTION 13.1.(a)** G.S. 143-214.7 reads as rewritten:

9 "...

10 (c2) The ~~Department~~ Department, or a local government that has issued a permit for a
11 stormwater management system, shall transfer a permit issued under this section for a stormwater
12 management system from the declarant of a condominium or a planned community to the unit
13 owners association, owners association, or other management entity identified in the
14 condominium or planned community's declaration upon request of a permittee if the ~~Department~~
15 Department, or local government, finds that (i) common areas related to the operation and
16 maintenance of the stormwater management system have been conveyed to the unit owners
17 association or owners association in accordance with the declaration; (ii) the declarant has
18 conveyed at least fifty percent (50%) of the units or lots to owners other than a declarant; and
19 (iii) the stormwater management system is in substantial compliance with the stormwater permit
20 issued to the permittee by the ~~Department~~ Department, or local government. In support of a
21 request made pursuant to this subsection, a permittee shall submit documentation to the
22 ~~Department~~ Department, or local government, sufficient to demonstrate that ownership of the
23 common area related to the operation and maintenance of the stormwater management system
24 has been conveyed from the declarant to the association and that the declarant has conveyed at
25 least fifty percent (50%) of the units or lots to owners other than a declarant. For purposes of this
26 subsection, declarant of a condominium shall have the same meaning as provided in Chapter 47C
27 of the General Statutes, and declarant of a planned community shall have the same meaning as
28 provided in Chapter 47F of the General Statutes.

29 ...

30 (c5) The ~~Department~~ Department, or a local government that has issued a permit for a
31 stormwater management system, may transfer a permit issued pursuant to this section without



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1 the consent of the permit holder or of a successor-owner of the property on which the permitted
2 activity is occurring or will occur as provided in this subsection:

3 (1) The ~~Department~~ Department, or local government, may require the submittal
4 of an application for a permit transfer when all of the following conditions are
5 met:

6 ...

7 b. The successor-owner is one of the following:

8 ...

9 4. Any other natural person, group of persons, or entity deemed
10 appropriate by the ~~Department~~ Department, or local
11 government, to operate and maintain the permit.

12 c. There will be no substantial change in the permitted activity.

13 (1a) The permit transfer application shall be submitted jointly by the permit holder
14 and the successor-owner except that the successor-owner may solely submit
15 the application in any of the following circumstances:

16 a. The permit holder is a natural person who is deceased or is a business
17 association that is described by sub-sub-subdivision (1)a.2. of this
18 subsection.

19 b. The successor-owner requests that the ~~Department~~ Department, or
20 local government, accept the application without the signature of the
21 permit holder.

22 (1b) When the permit transfer conditions set forth in subdivision (1) of this
23 subsection are met on or after July 1, 2021, the ~~Department~~ Department, or
24 local government, shall require that a permit transfer application be submitted
25 within 90 days.

26 (1c) When the permit transfer conditions set forth in subdivision (1) of this
27 subsection were met prior to July 1, 2021, the ~~Department~~ Department, or
28 local government, may request a permit transfer application at any time after
29 determining that the permit transfer conditions have been met and may require
30 this application be submitted within 180 days of the request. Where a permit
31 holder can demonstrate to the ~~Department~~ Department, or local government,
32 that the activity on the property was in substantial compliance with its permit
33 in the period either 12 months immediately before or after the conditions of
34 subdivision (1) of this subsection were met, then the requirements included in
35 subdivision (1d) of this subsection shall be the sole responsibility of the
36 successor-owner.

37 ...

38 (4) Notwithstanding changes to law made after the original issuance of the permit,
39 the ~~Department~~ Department, or local government, shall not impose new or
40 different design standards on the project without the prior express consent of
41 the successor-owner.

42"

43 **SECTION 13.1.(b)** G.S. 153A-454 reads as rewritten:

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1 "§ 153A-454. Stormwater control.
2 ...
3 (e) A county that issues permits for stormwater management systems within its
4 jurisdiction shall be subject to the provisions governing transfer of permits set forth in
5 G.S. 143-214.7(c2) and (c5)."
6 SECTION 13.1(c). G.S. 160D-925 reads as rewritten:
7 "§ 160D-925. Stormwater control.
8 ...
9 (f) A local government that issues permits for stormwater management systems within
10 its jurisdiction shall be subject to the provisions governing transfer of permits set forth in
11 G.S. 143-214.7(c2) and (c5)."
12

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**