Amends Title [NO]
Third Edition

Representative Winslow

moves to amend the bill on page 28, lines 3 through 4,

by inserting between those lines:

"REQUIRE LOCAL GOVERNMENTS ISSUING STORMWATER PERMITS TO
TRANSFER SUCH PERMITS IN ACCORDANCE WITH REQUIREMENTS FOR
TRANSFER OF STATE-ISSUED STORMWATER PERMITS"

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

"...

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

...

(c5) The Department, or a local government that has issued a permit for a stormwater management system, may transfer a permit issued pursuant to this section without
the consent of the permit holder or of a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection:

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

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

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

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

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

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

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

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

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

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

"..."

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

... (e) A county that issues permits for stormwater management systems within its jurisdiction shall be subject to the provisions governing transfer of permits set forth in G.S. 143-214.7(c2) and (c5)."

SECTION 13.1(c). G.S. 160D-925 reads as rewritten:

"§ 160D-925. Stormwater control.

... (f) A local government that issues permits for stormwater management systems within its jurisdiction shall be subject to the provisions governing transfer of permits set forth in G.S. 143-214.7(c2) and (c5)."".

SIGNED ________________________________
Amendment Sponsor

SIGNED ________________________________
Committee Chair if Senate Committee Amendment

ADOPTED _____________ FAILED ________________ TABLED ___________