

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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S.B. 395
PRINCIPAL CLERK

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SENATE BILL DRS35144-NB-84

Short Title: Disaster Relief Eviction Moratorium Act. (Public)

Sponsors: Senator Applewhite (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE GOVERNOR TO ISSUE AN EXECUTIVE ORDER ENFORCING
3 A RESIDENTIAL EVICTION MORATORIUM IN DECLARED STATES OF
4 EMERGENCY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 166A-19.20 reads as rewritten:

7 "§ 166A-19.20. **Gubernatorial or legislative declaration of state of emergency.**

8 (a) Declaration. – A state of emergency may be declared by the Governor or by a
9 resolution of the General Assembly, if either of these finds that an emergency exists.

10 (b) Emergency Area. – An executive order or resolution declaring a state of emergency
11 shall include a definition of the area constituting the emergency area.

12 (c) Expiration of States of Emergency. – A-Except as provided in subsection (c3) of this
13 section, a state of emergency declared pursuant to this section shall expire as follows:

14 (1) If not a statewide emergency area, when it is rescinded by the authority that
15 issued it.

16 (2) If a statewide emergency area, 30 calendar days after issuance without a
17 concurrence of the Council of State. A declaration of emergency may not be
18 continued without the concurrence of the Council of State. If the Council of
19 State concurs with the declaration of emergency, the declaration of emergency
20 shall expire 60 calendar days after issuance, unless the General Assembly
21 extends the declaration of emergency by enactment of a general law. If the
22 General Assembly does not extend the declaration of emergency by enactment
23 in accordance with this subdivision, the Governor shall not issue a
24 substantially similar declaration of emergency arising from the same events
25 that formed the basis to issue the initial declaration of emergency that was not
26 extended.

27 ...

28 (c3) Residential Eviction Moratorium. – If the Governor or the General Assembly declares
29 a state of emergency, the Governor may institute a residential eviction moratorium in the
30 emergency area by issuance of an executive order if the Governor finds that the disaster has
31 caused widespread displacement, job loss, or other economic hardships that would lead to a
32 significant increase in homelessness but for a moratorium. An initial executive order instituting
33 a residential eviction moratorium shall not exceed 90 calendar days. The Governor may
34 subsequently extend the residential eviction moratorium in increments of 30 calendar days,
35 provided that the moratorium does not exceed 180 total calendar days.



1 An executive order issued in accordance with this subsection shall remain in full force and
2 effect unless rescinded by the Governor. The General Assembly and the Council of State shall
3 not have the authority to rescind, modify, or otherwise affect a residential eviction moratorium
4 issued under this subsection.

5 For the purposes of this subsection, the term "eviction" means any action taken by a landlord
6 to remove a tenant, including formal eviction proceedings, nonrenewal of a lease for reasons
7 related to nonpayment of rent, or any other involuntary removal from a rental unit.

8 This subsection shall be presumed valid and necessary to protect the health, safety, and
9 welfare of the residents of this State during a declared state of emergency, and a court of
10 competent jurisdiction shall evaluate any action in accordance with this subsection under a
11 rational basis standard, recognizing the compelling State interest in preventing mass
12 displacement and homelessness during a state of emergency.

13 (c4) If the Governor issues an executive order under subsection (c3) of this section, the
14 Governor may direct available State and federal funds, within the parameters of State and federal
15 law, towards rental assistance programs to mitigate the financial impact on landlords and tenants.

16 (d) Exercise of Powers Not Contingent on Declaration of Disaster Type. – Once a state
17 of emergency has been declared pursuant to this section, the fact that a declaration of disaster
18 type has not been issued shall not preclude the exercise of powers otherwise conferred during a
19 state of emergency.

20 (e) Extra Session; Emergency Transportation Expenditures. – The General Assembly
21 considers a determination by the Secretary of Transportation under G.S. 136-44.2E(f) that
22 anticipated emergency expenses will exceed the funds in the Transportation Emergency Reserve
23 within the meaning of the term "extraordinary occasions," and therefore the Governor is
24 authorized to convene the General Assembly in Extra Session under Section 5(7) of Article III
25 of the North Carolina Constitution. The General Assembly strongly urges the Governor to
26 convene the General Assembly in Extra Session within 14 days of notice by the Secretary under
27 G.S. 136-44.2E(f) for the purpose of appropriating funds from the Savings Reserve to the
28 Emergency Reserve to address the transportation needs of the State necessitated by a major
29 disaster."

30 **SECTION 2.** This act is effective when it becomes law and applies to executive
31 orders issued on or after that date.