

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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PROPOSED SENATE COMMITTEE SUBSTITUTE H251-PCS30450-BR-17

Short Title: Various Disaster Recovery Reforms.

(Public)

Sponsors:

Referred to:

March 3, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS REFORMS RELATED TO DISASTER RESPONSE AND
3 RECOVERY.

4 The General Assembly of North Carolina enacts:

5
6 **NONDISCRIMINATION IN STATE DISASTER RECOVERY ASSISTANCE**

7 **SECTION 1.** The General Assembly makes the following findings:

- 8 (1) The United States Department of Housing and Urban Development (HUD)
9 controls and manages the distribution of the Community Development Block
10 Grant Disaster Recovery (CDBG-DR) awards authorized by the United States
11 Congress.
12 (2) North Carolina does not have direct control over how CDBG-DR funds and
13 other federal financial and operational assistance program funds are awarded
14 to qualifying individuals and businesses.
15 (3) North Carolina, through the General Assembly, does have control over how
16 State disaster recovery programs, including financial, operational, and
17 housing assistance, are distributed to its residents.
18 (4) Section 19 of Article I of the North Carolina Constitution guarantees that "[n]o
19 person shall be denied the equal protection of the laws; nor shall any person
20 be subjected to discrimination by the State because of race, color, religion, or
21 national origin."
22 (5) Florida has filed a complaint against the Federal Emergency Management
23 Agency in the Southern District of Florida alleging an actionable conspiracy
24 to interfere with civil rights through 42 U.S.C. § 1985, which allows for those
25 who have been denied equal protection, privileges, or immunities under the
26 law to sue those who engaged in conspiracy against them, on the basis of
27 political affiliation.

28 **SECTION 2.(a)** Article 1A of Chapter 166A of the General Statutes is amended by
29 adding a new section to read:

30 **"§ 166A-19.4. Nondiscrimination in State disaster recovery assistance.**

31 (a) No United States citizen, United States national, or qualified alien as defined in 8
32 U.S.C. § 1641 shall be denied or discriminated against by the State or its agencies and employees
33 for disaster recovery assistance on the basis of political affiliation or political speech.

34 (b) Any person who knowingly violates this section shall be guilty of a Class I felony."



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1 **SECTION 2.(b)** This section becomes effective December 1, 2025, and applies to
2 offenses committed on or after that date.

3 **SECTION 3.** G.S. 166A-19.41 reads as rewritten:

4 "**§ 166A-19.41. State emergency assistance funds.**

5 (a) Governor May Make Funds Available for Emergency Assistance. – In the event of a
6 gubernatorially or legislatively declared state of emergency, the Governor may make State funds
7 available for emergency assistance as authorized by this section. Any State funds made available
8 by the Governor for emergency assistance may be administered through State emergency
9 assistance programs which may be established by the Governor upon the declaration of a state of
10 emergency. It is the intent of the General Assembly in authorizing the Governor to make State
11 funds available for emergency assistance and in authorizing the Governor to establish State
12 emergency assistance programs to provide State assistance for recovery from those emergencies
13 for which federal assistance under the Stafford Act is either not available or does not adequately
14 meet the needs of the citizens of the State in the emergency area.

15 ...

16 (e) Any State emergency assistance in the form of grants must be administered free from
17 discrimination. No applicant for any State emergency assistance in the form of grants made
18 available pursuant to this section shall be required to provide any personal demographic
19 information unless that information is necessary to award the grant or is otherwise required by
20 State or federal law."

21
22 **THEFT OF TEMPORARY HOUSING DURING EMERGENCY**

23 **SECTION 4.(a)** G.S. 14-288.1 reads as rewritten:

24 "**§ 14-288.1. Definitions.**

25 Unless the context clearly requires otherwise, the following definitions apply in this Article:

26 ...

27 (3) Declared state of emergency. – A state of emergency as that term is defined
28 in G.S. 166A-19.3 or a state of emergency found and declared by any chief
29 executive official or acting chief executive official of any county or
30 municipality acting under the authority of any other applicable statute or
31 provision of the common law to preserve the public peace in a state of
32 emergency, or by any executive official or military commanding officer of the
33 United States or the State of North Carolina who becomes primarily
34 responsible under applicable law for the preservation of the public peace
35 within any part of North Carolina.

36 ...

37 (4a) Emergency. – As defined in G.S. 166A-19.3.

38 (4b) Emergency area. – The geographical area covered by a declared state of
39 emergency.

40 ...

41 (11) Temporary housing. – Any of the following:

42 a. A tent, trailer, mobile home, or any other structure being used for
43 human shelter which is designed to be transportable and is not
44 permanently attached to the ground, to another structure, or to any
45 utility system on the same premises.

46 b. A vehicle being used as temporary living quarters.

47 c. Any equipment used to transport or deliver a structure or vehicle
48 described in sub-subdivision a. or b. of this subdivision.

49 d. Any item attached, affixed, or connected to, or intended to be attached,
50 connected, or affixed to, a structure or vehicle described in

1 sub-subdivision a. or b. of this subdivision to provide air conditioning,
2 heating, or a source of power for the structure or vehicle."

3 **SECTION 4.(b)** G.S. 14-288.6 reads as rewritten:

4 **"§ 14-288.6. Looting; trespass during emergency.**

5 (a) Any person who enters upon the premises of another without legal justification in an
6 emergency area during a declared state of emergency when the usual security of property is not
7 effective due to the occurrence or aftermath of ~~riot, insurrection, invasion, storm, fire, explosion,~~
8 ~~flood, collapse, or other disaster or calamity~~ the emergency that prompted the declared state of
9 emergency is guilty of a Class 1 misdemeanor of trespass during an emergency.

10 (b) Any person who commits the crime of trespass during emergency under subsection
11 (a) of this section and, without legal justification, obtains or exerts control over, damages,
12 ransacks, or destroys the property of another is guilty of the felony of ~~looting~~ and shall be
13 punished as a Class H felony. A violation of this subsection is punishable as follows:

14 (1) If the looted property is temporary housing or is taken from temporary
15 housing, a violation of this subsection is punishable as a Class F felony.

16 (2) If the looted property is anything other than property described in subdivision
17 (1) of this subsection, a violation of this subsection is punishable as a Class H
18 felony.

19 (c) Any person whose person or property is injured by reason of a violation of this section
20 may sue for and recover from the violator three times the actual damages sustained, as well as
21 court costs and attorneys' fees."

22 **SECTION 4.(c)** This section becomes effective December 1, 2025, and applies to
23 offenses committed on or after that date.

24
25 **AUTOMATIC STATE ADOPTION OF ANY TEMPORARY FEDERAL RELIEF**
26 **ISSUED BY THE SECRETARY OF THE US DEPARTMENT OF HEALTH AND**
27 **HUMAN SERVICES OR THE CENTERS FOR MEDICARE AND MEDICAID**
28 **SERVICES**

29 **SECTION 5.** G.S. 131E-84 reads as rewritten:

30 **"§ 131E-84. Waiver of rules and increase in bed capacity during an emergency.**

31 ...

32 (a2) Notwithstanding any other provision of this section or the General Statutes, in the
33 event the Secretary of the United States Department of Health and Human Services or the Centers
34 for Medicare and Medicaid Services issues a temporary waiver or modification under section
35 1135 or 1812(f) of the Social Security Act, the corresponding rule or portion of a rule adopted
36 by the Commission pertaining to hospitals is automatically modified or waived to the extent
37 necessary to allow for consistency with the federal waiver or modification and shall continue in
38 place at least until the federal waiver or modification has expired. Nothing in this subsection shall
39 be construed as preventing the Division of Health Service Regulation from further waiving or
40 modifying any rules of the Commission.

41 (b) As used in this section, "emergency management agency" is as defined in
42 G.S. 166A-19.3."

43
44 **AUTHORIZE A TEMPORARY EXEMPTION FROM CERTAIN STATE BUILDING**
45 **CODE REQUIREMENTS PERTAINING TO FIRE-RESISTANT WINDOWS FOR**
46 **DOWNTOWN, COMMERCIAL STRUCTURES DAMAGED BY HURRICANE**
47 **HELENE**

48 **SECTION 6.(a)** For purposes of this section, the following definitions apply:

49 (1) Eligible building. – A commercial building or structure that meets all of the
50 following:

- 1 a. The building or structure is located in a Helene-affected county, as
2 defined by this section, that existed prior to September 27, 2024, and
3 was directly damaged or destroyed by Hurricane Helene.
4 b. The building or structure must be solely classified as a commercial
5 occupancy under the North Carolina State Building Code and not
6 classified under any residential or mixed-use occupancy group in the
7 North Carolina State Building Code.
8 c. The building or structure must be located within the central business
9 district or downtown commercial district, as of September 27, 2024,
10 of a city, as defined by G.S. 160A-1.
11 d. The building or structure must be undergoing reconstruction,
12 rebuilding, rehabilitation, or repair solely for the purpose of restoring
13 the building to substantially its previous condition, use, occupancy,
14 and size, without expanding its original footprint, height, or changing
15 its occupancy classification under the North Carolina State Building
16 Code.
17 (2) Fire-resistant window requirements. – Any provision of the North Carolina
18 State Building Code, including the Building Code and the Residential Code,
19 requiring the installation of fire-resistant or fire-rated windows, window
20 glazing, or other fire-rated opening protections for exterior or interior wall
21 openings when constructing, altering, or repairing a building. This includes
22 window requirements for fire protection based on building use, occupancy,
23 proximity to property lines, fire separation distance, interior fire barriers,
24 corridors, partitions, or location in fire-prone areas.
25 (3) Helene-affected county. – Any county in North Carolina declared a major
26 disaster by the President of the United States under the Stafford Act (P.L.
27 93-288) as a result of Hurricane Helene.

28 **SECTION 6.(b) Window Exemption for Eligible Buildings.** – Notwithstanding any
29 provision of the North Carolina State Building Code, G.S. 143-138, or any other law to the
30 contrary, the owner of an eligible building may elect to reconstruct or repair the building with
31 window assemblies having the same fire-protection rating that existed in the building as of
32 September 27, 2024, without being required to upgrade to the current fire-resistant window
33 assemblies required by the North Carolina State Building Code. This exemption applies solely
34 to the North Carolina State Building Code provisions mandating a higher or upgraded
35 fire-protection rating or fire-resistant glazing for window openings. This exemption is available
36 only when the work on the eligible building is solely to restore damage caused by Hurricane
37 Helene and does not include additions or changes that would otherwise trigger the higher
38 fire-resistant window requirements.

39 **SECTION 6.(c) Limitation on Exemption.** – If the exemption provided by this
40 section is elected for an eligible building, all other applicable provisions of the North Carolina
41 State Building Code shall remain in full force and effect. The exemption provided by this section
42 does not relieve the building from compliance with other fire safety or North Carolina State
43 Building Code requirements.

44 **SECTION 6.(d) Required Affidavit.** – A building owner electing to utilize the
45 exemption provided by this section shall submit a written affidavit to the local building
46 inspections department with the building permit application and prior to the installation of any
47 windows. The affidavit shall be signed by the owner and notarized to constitute a legally binding
48 statement. The local building inspections department shall retain the affidavit with the building
49 permit records and note the exemption on the certificate of occupancy. The affidavit shall include
50 all of the following:

- 1 (1) A citation to this act and confirmation that the building qualifies as an eligible
2 building under subsection (a) of this section.
- 3 (2) A statement that the owner voluntarily assumes any risks associated with not
4 installing fire-resistant window assemblies.
- 5 (3) Identification of the specific window installations for which the exemption is
6 claimed.

7 **SECTION 6.(e)** Expiration of Exemption. – To utilize the exemption provided by
8 this section, an owner shall claim the exemption with submission of their building permit
9 application within two years of the effective date of this section. Buildings with windows
10 installed under the exemption may continue to use those windows following the expiration of the
11 two-year period specified by this section; however, any subsequent renovations or additions shall
12 comply with the State Building Code as then in effect.

13 **SECTION 6.(f)** Liability Protection. – No state or local government, building code
14 official, inspector, or department shall be liable for any damages arising directly or indirectly
15 from a building owner's use of the exemption provided by this section.

16 **SECTION 6.(g)** Rulemaking. – The Office of the State Fire Marshal and the North
17 Carolina Building Code Council may adopt rules to implement the provisions of this section. The
18 Office of the State Fire Marshal shall produce a standard form to provide to local code
19 enforcement officials that may be provided to building owners upon request for purposes of the
20 affidavit requirements of subsection (d) of this section.

21 **SECTION 6.(h)** This section is effective when it becomes law and applies to eligible
22 buildings for which a Certificate of Occupancy is issued on or after that date.

23 24 **HISTORIC FLOOD EVENT BUILDING CODE EXEMPTIONS**

25 **SECTION 7.(a)** G.S. 143-138 is amended by adding a new subsection to read:

26 "(e1) Exemption for Historic Flood Event. – Notwithstanding any provision of law to the
27 contrary, including subsection (e) of this section, the North Carolina State Building Code, any
28 floodplain regulation established under Part 6 of Article 21 of this Chapter, a development
29 regulation established pursuant to authority in Chapter 160D of the General Statutes, or any other
30 local ordinance, the following shall apply:

- 31 (1) Replacement or reconstruction. – The owner of a lawfully established building
32 or structure damaged by a historic flood event may replace or reconstruct the
33 building or structure within the base floodplain, as defined in
34 G.S. 143-215.52(a)(1b), to the same or lesser extent or volume existing
35 immediately before the historic flood event, without regard to changes in State
36 or local regulations adopted after the building or structure was lawfully
37 established, subject to the limitation of subdivision (2) of this subsection.
- 38 (2) Limitation. – Replacement or reconstruction that increases the extent or
39 volume of the building or structure within the base floodplain shall not be
40 authorized unless hydrologic and hydraulic analyses, prepared in accordance
41 with standard engineering practice by a registered design professional,
42 demonstrate that the proposed replacement or reconstruction will not result in
43 any increase in the base flood elevation.
- 44 (3) Definitions. – For purposes of this subsection, the following definitions apply:
 - 45 a. 200-year flood. – A flood having a one-half of one percent (0.5%)
46 probability of being equaled or exceeded in any given year, resulting
47 in floodwater elevations higher than the base flood elevation
48 associated with a 100-year flood.
 - 49 b. Historic flood event. – A flood event that meets or exceeds a 200-year
50 flood."

51 **SECTION 7.(b)** G.S. 143-215.54(a) reads as rewritten:

1 "(a) ~~A~~ Subject to G.S. 143-138(e1) and G.S. 160D-108, a local government may adopt
2 ordinances to regulate uses in flood hazard areas and grant permits for the use of flood hazard
3 areas that are consistent with the requirements of this Part."

4 **SECTION 7.(c)** No later than August 1, 2025, the Department of Insurance shall
5 prepare and submit to the Federal Emergency Management Agency (FEMA) for approval by that
6 agency the proposed changes set forth in subsections (a) and (b) of this section.

7 **SECTION 7.(d)** Subsections (a) and (b) of this section become effective on the later
8 of the following dates:

9 (1) October 1, 2025.

10 (2) The first day of a month that is 30 days after the Commissioner of Insurance
11 certifies to the Revisor of Statutes that FEMA has approved the proposed
12 changes set forth in subsections (a) and (b) of this section, as required by
13 subsection (c) of this section. The Commissioner shall provide this notice
14 along with the effective date of this section on its website.

15 **SECTION 7.(e)** The Department of Insurance shall report to the Joint Legislative
16 Commission on Governmental Operations on the status of their activities pursuant to subsection
17 (d) of this section quarterly, beginning September 1, 2025, until subsections (a) and (b) of this
18 section become law.

19 **SECTION 8.(a)** The Department of Environmental Quality, the Department of
20 Agriculture and Consumer Services, and a unit of local government, as applicable, shall waive
21 all of the following permits or requirements, to the extent the permits or requirements are State
22 or local in origin and not otherwise required to satisfy federal law, as they may apply to persons
23 or entities undertaking activities to process tree stumps and other vegetative debris into mulch,
24 compost, or soil amendments in the counties designated before, on, or after the effective date of
25 this act under a major disaster declaration by the President of the United States under the Stafford
26 Act (P.L. 93-288) as a result of Hurricane Helene:

27 (1) A solid waste composting permit for Type 1 facilities under 15A NCAC 13B,
28 provided that a person or entity undertaking such activity submits written
29 notice at least 10 days prior to commencement of operations to the Department
30 of Environmental Quality with all of the following information:

31 a. The facility location.

32 b. The name(s) and contact information of the owner and operator.

33 c. The type and amount of wastes to be received.

34 d. The composting process to be used.

35 e. The intended distribution of the finished product.

36 (2) Approval of erosion and sediment control plans under 15A NCAC 04B, where
37 activities do not involve the removal of trees or other existing groundcover.

38 (3) Air quality permit requirements for vegetative debris processing equipment
39 under 15A NCAC 02D.

40 (4) Notwithstanding Article 2A of Chapter 106 of the General Statutes, and rules
41 adopted thereunder, soil amendment or compost product registration required
42 by the Department of Agriculture and Consumer Services.

43 (5) State Fire Code limitations on mulch pile storage.

44 **SECTION 8.(b)** With respect to the permits or requirements set forth under
45 subdivisions (2) through (5) of subsection (a) of this section, a person or entity undertaking such
46 activity shall submit written notice at least 10 days prior to commencement of operations to the
47 Department of Environmental Quality or the Department of Agriculture and Consumer Services,
48 as applicable, and the unit of local government within which activities will be conducted, that
49 includes a description of the general nature of the materials to be managed and the method(s) of
50 management, the location of activities, and the date on which activities will be commenced.

1 **SECTION 8.(c)** Individual sites under this section are limited to a maximum
2 allowance of 25,000 cubic yards, composed of both processed and unprocessed material.

3 **SECTION 8.(d)** The waiver of a permit pursuant to this section does not exempt
4 activities conducted from compliance with other applicable regulations.

5 **SECTION 8.(e)** Mulch used for the purposes of temporary erosion control shall not
6 be applied at a rate to exceed 4 inches in depth.

7 **SECTION 8.(f)** Material to be used as a soil amendment must be used at normally
8 accepted agronomic rates as determined by industry practice. Recommendations for appropriate
9 application rates should be determined in consultation with an agronomist with the Department
10 of Agriculture and Consumer Services, a County or State Agriculture Extension agent, or a
11 licensed soil scientist.

12 **SECTION 8.(g)** This section is effective when it becomes law and expires July 1,
13 2027. Any material managed under this section shall be removed from the site for its intended
14 purpose no later than July 1, 2027.

15 **SECTION 9.(a)** All units of local government in the counties designated before, on,
16 or after the effective date of this act under a major disaster declaration by the President of the
17 United States under the Stafford Act (P.L. 93 288) as a result of Hurricane Helene managing
18 vegetative debris removal within their jurisdictions shall transport the material to a composting
19 site for reuse as mulch or soil amendment when the transportation and disposal costs for
20 processing tree stumps and other vegetative debris at a composting site are equal to or less than
21 the costs associated with transportation and disposal at a landfill. The Department of
22 Environmental Quality and the Department of Agriculture and Consumer Services, to the extent
23 they assist in removal of vegetative debris in the affected area, shall comply with and assist local
24 governments in complying with the requirements of this section.

25 **SECTION 9.(b)** This section is effective when it becomes law and expires July 1,
26 2027.

27
28 **EFFECTIVE DATE**

29 **SECTION 10.** Except as otherwise provided, this act is effective when it becomes
30 law.