



NC Landscape Contractors' Licensing Board

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February 27, 2025

Via Email Only

Joint Legislative Commission on Governmental Operations

Email: govops@ncleg.net

Joint Legislative Administrative Procedure Oversight Committee

Email: Virginia.barlow@ncleg.gov

Re: Report on Regulatory Flexibility
Section 4E.1 of SL 2024-53

Dear Committee Members,

The NC Landscape Contractors' Licensing Board ("Board") hereby submits this report on its use of regulatory flexibility, in accordance with Section 4E.1 of Session Law 2024-53.

Board Overview

As an occupational licensing board created by North Carolina General Statute 89D, the Board administers examinations for licensure, issues license certificates, maintains records of licensees, regulates the licensure of landscape contractors and businesses; oversees compliance by licensees with the Board's governing statutes and administrative rules; and protects consumers through oversight of licensees and administers complaint resolution for consumers.

The Board is comprised of nine (9) members who are appointed by the Governor of NC, the President Pro Tempore of the NC Senate, the Speaker of the NC House of Representatives, the Commissioner of Agriculture, the President of the University of North Carolina, the NC Nursery and Landscape Contractors' Association, and the NC Chapter of the American Society of Landscape Architects.

The Board currently licenses approximately 2,100 active licensees engaged in the practice of landscape construction and landscape contracting with approximately 110 currently eligible for renewal of their landscape contractor's license.

Session Law 2024-53

Promulgated in October 2024, Session Law 2024-53 provides in Section 4E.1(b) that:

Notwithstanding any other provision of State law, if a State agency determines that, due to the impacts of Hurricane Helene in the affected area, it is in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the affected area, the agency shall do all of the following:

- (1) Delay the renewal dates of employment-related certifications issued by the agency pursuant to its statutes for residents of the affected area.
- (2) Delay or modify any educational or examination requirements for employment-related certifications implemented by the agency pursuant to its statutes for residents of the affected area.

In this legislation, the General Assembly directed each State agency in the executive branch of government in North Carolina, no later than March 1, 2025, to report to the Joint Legislative Administrative Procedure Oversight Committee and the Joint Legislative Commission on Governmental Operations on its use of regulatory flexibility under this Section 4E.

Board Implementation of Session Law 2024-53

- (1) Delay the renewal dates of employment-related certifications issued by the agency pursuant to its statutes for residents of the affected area.

N.C. Gen. Stat. § 89D-20 provides:

- (a) Every license issued under this Chapter shall be renewed on or before the first day of August of each year.

As the renewal date for licensed landscape contractors was not affected between October 2024 and March 1, 2025, nor did the Board receive a request for a delay or waiver relative to the effects of Hurricane Helene, no action was taken by the Board.

- (2) Delay or modify any educational or examination requirements for employment-related certifications implemented by the agency pursuant to its statutes for residents of the affected area.

As the continuing education requirement needed for license renewal by the first day of August has not appeared to have been substantially affected between October 2024 and March 1, 2025, nor did the Board receive a request for a waiver, as provided in the Board's Administrative code; 21 NCAC 28B .0404 (c) Where on a case-by-case basis the Board determines that due to an undue hardship (such as active military service, natural disaster, or illness of family member) the licensee could not reasonably be expected to comply with the Board's CEU requirements, the licensee shall be granted an extension of time in which to obtain the required CEUs, no action was taken by the Board.

It is my hope this response is helpful. If I may provide any additional information, you may reach me at administrator@nclclb.com or at the Board office 919.266.8070.

Sincerely,



Calvin M. Kirven
Board Administrator for the
NC Landscape Contractors' Licensing Board