

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

D

HOUSE DRH30244-RI-21 (03/23)

Short Title: Stormwater Best Mgmt. Responsibility/Asscs.

(Public)

Sponsors: Representative McComas.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER A PERMIT FOR A STORMWATER BEST MANAGEMENT PRACTICE FROM A DECLARANT OF A CONDOMINIUM OR PLANNED COMMUNITY TO AN OWNERS' ASSOCIATION UPON REQUEST OF THE DECLARANT AND SUBMISSION OF DOCUMENTATION THAT DECLARANT CONTROL FOR THE COMMUNITY HAS TERMINATED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-214.7 is amended by adding a new subsection to read:

"(c2) Upon request of a declarant of a condominium governed by Chapter 47C of the General Statutes or a planned community governed by Chapter 47F of the General Statutes, the Department shall transfer a permit issued under this section for a stormwater best management practice from the declarant to the unit owners' association, owner's association, or other management entity identified in the condominium or planned community's declaration if the Department finds that the stormwater best management practice is in substantial compliance with the stormwater permit issued to the declarant by the Department and the period of declarant control of the condominium or planned community has terminated. For purposes of this subsection, declarant control shall be deemed to terminate no later than the earlier of (i) 120 days after conveyance of seventy-five percent (75%) of the units or lots to owners other than a declarant; (ii) two years after all declarants have ceased to offer units or lots for sale in the ordinary course of business; or (iii) two years after any development right to add new units or lots was last exercised. In support of a request made pursuant to this subsection, a declarant shall submit documentation to the Department sufficient to demonstrate that the period of declarant control has terminated."

SECTION 2. This act is effective when it becomes law.

