



CHICAGO BULL

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NC Legislative Session - 2021: PROPOSED Legislation – Are You Watching?



The 2021 Legislative Session is in full swing with LOTS going on that will affect NC real property practice! The list and links below should give you food for thought as well as providing a means for you to reach out on items of interest to YOU! Obviously, this is not a complete list even for real estate related matters. Many other legislative items will be important to you, your firm, family and friends.

These bills will almost certainly change with provisions added to existing bills (especially the General Statutes Commission bills) as the Legislation Session continues. And more will continue to have provisions added and replaced. Some will pass. Others will be unrecognizable. Many will simply be left behind.

But hopefully these highlights will be helpful to you!

North Carolina General Assembly Bills & Laws are on-line at: <https://www.ncleg.gov/Legislation>

Business Corporation Act changes -- <https://www.ncleg.gov/BillLookup/2021/s507>

Condominium declaration clarifications – <https://www.ncleg.gov/BillLookup/2021/s336>

Consumer Privacy Act (which would apply to attorneys and others exempt from Gramm-Leach-Bliley) --
<https://www.ncleg.gov/BillLookup/2021/s569>

C-PACE liens <https://www.ncleg.gov/BillLookup/2021/s358>

Discriminatory covenants, renunciation or redaction <https://www.ncleg.gov/BillLookup/2021/s427>

Eminent Domain prohibition except for public use: <https://www.ncleg.gov/BillLookup/2021/S378> and
<https://www.ncleg.gov/BillLookup/2021/H271>

General Statutes Commission - sales of real property -- <https://www.ncleg.gov/BillLookUp/2021/s196>

- Notices in execution sales
- Default upset bid procedures
- Partition default technical correction
- Fees in tax foreclosures and redemptions
- [Possibly to include removal of trustee of deed of trust]

General Statutes Commission Trust & Estates Amendments -- <https://www.ncleg.gov/BillLookUp/2021/S197>

- Remove location requirement for holographic wills
- Trust power holders
- Trust exception from rule against perpetuities

General Statutes Commission Good Funds Settlement / Commercial Receivership – various banking and Commercial Receivership Act technical corrections - <https://www.ncleg.gov/BillLookUp/2021/S198>

General Statutes Commission Commercial Receivership and Real Property Amendments -- <https://www.ncleg.gov/BillLookUp/2021/S429>

- Commercial Receivership technical corrections
- Notarial and recording technical corrections and curative updates
- GS 41-56(b) correction
- Right of first refusal priority determined under GS 47-18
- GS 93A-12 – add title companies for disputed earnest money procedure/deposit with Clerk
- S 47-108.28 -- correct effective date for 7-year curative limitations period from SL 2017-110

Hydraulic fracturing (“fracking”) prohibition -- <https://www.ncleg.gov/BillLookUp/2021/h635>

Landlord / Tenant law changes -- <https://www.ncleg.gov/BillLookUp/2021/s644>

Mobile and manufactured home lien clearance clarification -- <https://www.ncleg.gov/BillLookUp/2021/s449> and part of <https://www.ncleg.gov/BillLookUp/2021/h650>

Non Profit Corporations Act changes -- <https://www.ncleg.gov/BillLookUp/2021/s540>

Pandemic Eviction Protection - <https://www.ncleg.gov/BillLookUp/2021/h618>

Partition of Heirs Property, Uniform Act -- <https://www.ncleg.gov/BillLookUp/2021/s363> and <https://www.ncleg.gov/BillLookUp/2021/s363>

Real Property Damage punishment -- <https://www.ncleg.gov/BillLookUp/2021/s553>

Redaction / Public shielding of records on-line for judicial and public officials and law enforcement officers – HB304 <https://www.ncleg.gov/BillLookUp/2021/h304>

Remote meetings for corporate entities: <https://www.ncleg.gov/BillLookUp/2021/S410> and <https://www.ncleg.gov/BillLookUp/2021/h320>

Remote on-line notarization (“RON”) for NC notaries, to replace the temporary remote audio-video notarization: <https://www.ncleg.gov/BillLookUp/2021/h776> ; S680 introduced but will presumably be revised to match H776 <https://www.ncleg.gov/BillLookUp/2021/S680>

Single action sale without guardianship (proposed GS 35A-1210 & 35A-1211)– SB50, § 2.1 - <https://www.ncleg.gov/BillLookUp/2021/S50>

Small business and S Corp. appearing *pro se* – <https://www.ncleg.gov/BillLookUp/2021/s38>

System Development Fees -- <https://www.ncleg.gov/BillLookUp/2021/h344>

Timeshare Act changes -- <https://www.ncleg.gov/BillLookUp/2021/h531>

Transfer on Death Deeds -- <https://www.ncleg.gov/BillLookUp/2021/s368>

Transportation corridor not a material fact for disclosure – <https://www.ncleg.gov/Sessions/2021/Bills/House/PDF/H184v2.pdf>

Voluntary agricultural districts and nearby farmlands – removing protection of attorneys and realtors for failure to disclose under G.S. 106-741 - <https://www.ncleg.gov/BillLookUp/2021/s605>

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