

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 763

Short Title: Notice to Innocent Purchasers/Haz. Sites. (Public)

Sponsors: Representatives B. Turner, Howard, and McGrady (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I, if favorable, Regulatory Reform

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO PROVIDE EACH COUNTY WITH ELECTRONIC ACCESS TO INFORMATION ON THE LOCATION OF INACTIVE HAZARDOUS SITES WITHIN THEIR JURISDICTION AND TO REQUIRE INCLUSION OF SUCH INFORMATION ON SEARCHABLE MAPPING SYSTEMS OPERATED BY COUNTIES; TO PROVIDE NOTICE ON THE RESIDENTIAL PROPERTY DISCLOSURE FORM OF INFORMATION AVAILABLE AT THE DEPARTMENT OF ENVIRONMENTAL QUALITY'S WEB SITE CONCERNING CONTAMINATED PROPERTIES; AND TO MODIFY RECORDATION REQUIREMENTS APPLICABLE TO INACTIVE HAZARDOUS SITES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-310.8A. Geographic Information System data on inactive hazardous substance or waste disposal sites to be provided to and by counties in the State.

(a) The Department of Environmental Quality shall provide each county electronic access to Geographical Information System (GIS) data on the location and, to the extent known by the Department, the dimensions, of each inactive hazardous substance or waste disposal site located within a county's jurisdiction.

(b) Each county shall make available GIS data provided by the Department pursuant to subsection (a) of this section in any searchable property mapping system the county maintains for use by the public in order that the public may ascertain the inactive hazardous substance or waste disposal sites located within a county's jurisdiction.

(c) Information provided pursuant to subsections (a) and (b) of this section shall be accompanied by the following disclaimer, made in a conspicuous manner: "This information is provided by the Department of Environmental Quality. The Department does not guarantee the accuracy, reliability, or completeness of any data provided, and such data is provided without warranty of any kind whatsoever, either express or implied. The Department assumes no liability for incidental, consequential, or special damages arising out of the use of any data provided herein."

SECTION 2. G.S. 47E-4 reads as rewritten:

"§ 47E-4. Required disclosures.



1 (a) With regard to transfers described in G.S. 47E-1, the owner of the real property
2 shall furnish to a purchaser a residential property disclosure statement. The disclosure
3 statement shall:

- 4 (1) Disclose those items which are required to be disclosed relative to the
5 characteristics and condition of the property and of which the owner has
6 actual knowledge; or
- 7 (2) State that the owner makes no representations as to the characteristics and
8 condition of the real property or any improvements to the real property
9 except as otherwise provided in the real estate contract.

10 (b) The North Carolina Real Estate Commission shall develop and require the use of a
11 standard disclosure statement to comply with the requirements of this section. The disclosure
12 statement shall specify that certain transfers of residential property are excluded from this
13 requirement by G.S. 47E-2, including transfers of residential property made pursuant to a lease
14 with an option to purchase where the lessee occupies or intends to occupy the dwelling, and
15 shall include at least the following characteristics and conditions of the property:

- 16 (1) The water supply and sanitary sewage disposal system;
- 17 (2) The roof, chimneys, floors, foundation, basement, and other structural
18 components and any modifications of these structural components;
- 19 (3) The plumbing, electrical, heating, cooling, and other mechanical systems;
- 20 (4) Present infestation of wood-destroying insects or organisms or past
21 infestation the damage for which has not been repaired;
- 22 (5) The zoning laws, restrictive covenants, building codes, and other land-use
23 restrictions affecting the real property, any encroachment of the real property
24 from or to adjacent real property, and notice from any governmental agency
25 affecting this real property; and
- 26 (6) Presence of lead-based paint, asbestos, radon gas, methane gas, underground
27 storage tank, hazardous material or toxic material (whether buried or
28 covered), and other environmental contamination. The disclosure statement
29 shall include a notice that information on contaminated properties may be
30 obtained from the Department of Environmental Quality.

31 The disclosure statement shall provide the owner with the option to indicate whether the
32 owner has actual knowledge of the specified characteristics or conditions, or the owner is
33 making no representations as to any characteristic or condition.

34"

35 **SECTION 3.** G.S. 130A-310.8(a) reads as rewritten:

36 "(a) After determination by the Department of the ~~existence and location~~ existence,
37 location, and dimensions of an inactive hazardous substance or waste disposal site, the owner
38 of the real property on which the site is located, within 180 days after official notice to the
39 owner to do so, shall submit to the Department a survey plat of areas designated by the
40 Department that has been prepared and certified by a professional land surveyor, and entitled
41 "NOTICE OF INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE".
42 Where an inactive hazardous substance or waste disposal site is located on more than one
43 parcel or tract of land, a composite map or plat showing all parcels or tracts may be recorded.
44 The Notice shall include a legal description of the site that would be sufficient as a description
45 in an instrument of conveyance, shall meet the requirements of G.S. 47-30 for maps and plats,
46 and shall identify:

- 47 (1) The location and dimensions of the disposal areas and areas of potential
48 environmental concern with respect to permanently surveyed benchmarks.
- 49 (2) The type, location, and quantity of hazardous substances known by the
50 owner of the site to exist on the site.

- 1 (3) Any restrictions approved by the Department on the current or future use of
2 the site."
3 **SECTION 4.** This act becomes effective July 1, 2017.