

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 29

Short Title: Support Private Property Rights. (Public)

Sponsors: Representatives Hastings, Bradford, Saine, and Paré (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

January 31, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THAT THE INCLUSION OF REAL PROPERTY ON A  
3 COMPREHENSIVE TRANSPORTATION PLAN IS NOT A REQUIRED DISCLOSURE  
4 OR A MATERIAL FACT FOR THE PURPOSES OF DISCLOSURE FOR REAL ESTATE  
5 TRANSACTIONS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 9 of Chapter 39 of the General Statutes is amended by adding  
8 a new section to read:

9 "**§ 39-51. Inclusion of real property in a comprehensive transportation plan not a material**  
10 **fact.**

11 (a) For purposes of this section, the term "financially constrained" is as defined in 23  
12 C.F.R. § 450.104.

13 (b) The mere fact that real property, or any portion thereof, is included in a  
14 comprehensive transportation plan that is not financially constrained adopted pursuant to  
15 G.S. 136-66.2 or G.S. 136-212, or in accordance with 23 U.S.C. § 134 or 135, shall not, standing  
16 alone, be deemed material. This subsection shall apply to all of the following:

17 (1) Offering real property for conveyance, lease, or exchange.

18 (2) Any other real estate transaction, including those listed in G.S. 47E-1(1)  
19 through (4).

20 A party to the conveyance, lease, exchange, or transaction, or an agent of any said party, shall  
21 not knowingly make a false statement regarding the property's inclusion on any transportation  
22 plan."

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

24 "**§ 47E-4. Required disclosures.**

25 ...

26 (b3) The inclusion of real property in a comprehensive transportation plan that is not  
27 financially constrained adopted pursuant to G.S. 136-66.2 or G.S. 136-212, or in accordance with  
28 23 U.S.C. § 134 or 135, shall not be considered a required disclosure as provided in this section,  
29 provided, however, that no person subject to this Chapter, or an agent of a person subject to this  
30 Chapter, shall knowingly make a false statement regarding any such fact. For purposes of this  
31 subsection, the term "financially constrained" is as defined in 23 C.F.R. § 450.104.

32 ...."

33 **SECTION 3.** This act becomes effective October 1, 2023, and applies to claims for  
34 relief filed on or after that date.

