

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 563

Short Title: Stormwater Best Mgmt. Responsibility/Asscs. (Public)

Sponsors: Senator Clodfelter.

Referred to: Agriculture/Environment/Natural Resources.

April 12, 2011

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 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 after conveyance of fifty percent (50%) of the units or lots to owners other than a declarant. 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 as provided in this subsection."

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

