

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 251
Committee Substitute Favorable 3/18/25
Third Edition Engrossed 4/1/25
Senate Regulatory Reform Committee Substitute Adopted 5/21/25
Fifth Edition Engrossed 6/10/25

Short Title: Various Disaster Recovery Reforms.

(Public)

Sponsors:

Referred to:

March 3, 2025

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS REFORMS RELATED TO DISASTER RESPONSE AND
RECOVERY.

The General Assembly of North Carolina enacts:

NONDISCRIMINATION IN STATE DISASTER RECOVERY ASSISTANCE

SECTION 1. The General Assembly makes the following findings:

- (1) The United States Department of Housing and Urban Development (HUD) controls and manages the distribution of the Community Development Block Grant Disaster Recovery (CDBG-DR) awards authorized by the United States Congress.
- (2) North Carolina does not have direct control over how CDBG-DR funds and other federal financial and operational assistance program funds are awarded to qualifying individuals and businesses.
- (3) North Carolina, through the General Assembly, does have control over how State disaster recovery programs, including financial, operational, and housing assistance, are distributed to its residents.
- (4) Section 19 of Article I of the North Carolina Constitution guarantees that "[n]o person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin."
- (5) Florida has filed a complaint against the Federal Emergency Management Agency in the Southern District of Florida alleging an actionable conspiracy to interfere with civil rights through 42 U.S.C. § 1985, which allows for those who have been denied equal protection, privileges, or immunities under the law to sue those who engaged in conspiracy against them, on the basis of political affiliation.

SECTION 2.(a) Article 1A of Chapter 166A of the General Statutes is amended by adding a new section to read:

"§ 166A-19.4. Nondiscrimination in State disaster recovery assistance.

(a) No United States citizen, United States national, or qualified alien as defined in 8 U.S.C. § 1641 shall be denied or discriminated against by the State or its agencies and employees for disaster recovery assistance on the basis of political affiliation or political speech.



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(b) Any person who knowingly violates this section shall be guilty of a Class I felony."
SECTION 2.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

SECTION 3. G.S. 166A-19.41 reads as rewritten:

"§ 166A-19.41. State emergency assistance funds.

(a) Governor May Make Funds Available for Emergency Assistance. – In the event of a gubernatorially or legislatively declared state of emergency, the Governor may make State funds available for emergency assistance as authorized by this section. Any State funds made available by the Governor for emergency assistance may be administered through State emergency assistance programs which may be established by the Governor upon the declaration of a state of emergency. It is the intent of the General Assembly in authorizing the Governor to make State funds available for emergency assistance and in authorizing the Governor to establish State emergency assistance programs to provide State assistance for recovery from those emergencies for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the citizens of the State in the emergency area.

...
(e) Any State emergency assistance in the form of grants must be administered free from discrimination. No applicant for any State emergency assistance in the form of grants made available pursuant to this section shall be required to provide any personal demographic information unless that information is necessary to award the grant or is otherwise required by State or federal law."

THEFT OF TEMPORARY HOUSING DURING EMERGENCY

SECTION 4.(a) G.S. 14-288.1 reads as rewritten:

"§ 14-288.1. Definitions.

Unless the context clearly requires otherwise, the following definitions apply in this Article:

...

(3) Declared state of emergency. – A state of emergency as that term is defined in G.S. 166A-19.3 or a state of emergency found and declared by any chief executive official or acting chief executive official of any county or municipality acting under the authority of any other applicable statute or provision of the common law to preserve the public peace in a state of emergency, or by any executive official or military commanding officer of the United States or the State of North Carolina who becomes primarily responsible under applicable law for the preservation of the public peace within any part of North Carolina.

...

(4a) Emergency. – As defined in G.S. 166A-19.3.

(4b) Emergency area. – The geographical area covered by a declared state of emergency.

...

(11) Temporary housing. – Any of the following:

- a. A tent, trailer, mobile home, or any other structure being used for human shelter which is designed to be transportable and is not permanently attached to the ground, to another structure, or to any utility system on the same premises.
- b. A vehicle being used as temporary living quarters.
- c. Any equipment used to transport or deliver a structure or vehicle described in sub-subdivision a. or b. of this subdivision.
- d. Any item attached, affixed, or connected to, or intended to be attached, connected, or affixed to, a structure or vehicle described in

sub-subdivision a. or b. of this subdivision to provide air conditioning, heating, or a source of power for the structure or vehicle."

SECTION 4.(b) G.S. 14-288.6 reads as rewritten:

"§ 14-288.6. Looting; trespass during emergency.

(a) Any person who enters upon the premises of another without legal justification in an emergency area during a declared state of emergency when the usual security of property is not effective due to the occurrence or aftermath of ~~riot, insurrection, invasion, storm, fire, explosion, flood, collapse, or other disaster or calamity~~ the emergency that prompted the declared state of emergency is guilty of a Class 1 misdemeanor of trespass during an emergency.

(b) Any person who commits the crime of trespass during emergency under subsection (a) of this section and, without legal justification, obtains or exerts control over, damages, ransacks, or destroys the property of another is guilty of the felony of ~~looting and shall be punished as a Class H felon.~~ looting. A violation of this subsection is punishable as follows:

(1) If the looted property is temporary housing or is taken from temporary housing, a violation of this subsection is punishable as a Class F felony.

(2) If the looted property is anything other than property described in subdivision (1) of this subsection, a violation of this subsection is punishable as a Class H felony.

(c) Any person whose person or property is injured by reason of a violation of this section may sue for and recover from the violator three times the actual damages sustained, as well as court costs and attorneys' fees."

SECTION 4.(c) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

**AUTOMATIC STATE ADOPTION OF ANY TEMPORARY FEDERAL RELIEF
ISSUED BY THE SECRETARY OF THE US DEPARTMENT OF HEALTH AND
HUMAN SERVICES OR THE CENTERS FOR MEDICARE AND MEDICAID
SERVICES**

SECTION 5. G.S. 131E-84 reads as rewritten:

"§ 131E-84. Waiver of rules and increase in bed capacity during an emergency.

...

(a2) Notwithstanding any other provision of this section or the General Statutes, in the event the Secretary of the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services issues a temporary waiver or modification under section 1135 or 1812(f) of the Social Security Act, the corresponding rule or portion of a rule adopted by the Commission pertaining to hospitals is automatically modified or waived to the extent necessary to allow for consistency with the federal waiver or modification and shall continue in place at least until the federal waiver or modification has expired. Nothing in this subsection shall be construed as preventing the Division of Health Service Regulation from further waiving or modifying any rules of the Commission.

(b) As used in this section, "emergency management agency" is as defined in G.S. 166A-19.3."

**AUTHORIZE A TEMPORARY EXEMPTION FROM CERTAIN STATE BUILDING
CODE REQUIREMENTS PERTAINING TO FIRE-RESISTANT WINDOWS FOR
DOWNTOWN, COMMERCIAL STRUCTURES DAMAGED BY HURRICANE
HELENE**

SECTION 6.(a) For purposes of this section, the following definitions apply:

(1) Eligible building. – A commercial building or structure that meets all of the following:

- a. The building or structure is located in a Helene-affected county, as defined by this section, that existed prior to September 27, 2024, and was directly damaged or destroyed by Hurricane Helene.
 - b. The building or structure must be solely classified as a commercial occupancy under the North Carolina State Building Code and not classified under any residential or mixed-use occupancy group in the North Carolina State Building Code.
 - c. The building or structure must be located within the central business district or downtown commercial district, as of September 27, 2024, of a city, as defined by G.S. 160A-1.
 - d. The building or structure must be undergoing reconstruction, rebuilding, rehabilitation, or repair solely for the purpose of restoring the building to substantially its previous condition, use, occupancy, and size, without expanding its original footprint, height, or changing its occupancy classification under the North Carolina State Building Code.
- (2) Fire-resistant window requirements. – Any provision of the North Carolina State Building Code, including the Building Code and the Residential Code, requiring the installation of fire-resistant or fire-rated windows, window glazing, or other fire-rated opening protections for exterior or interior wall openings when constructing, altering, or repairing a building. This includes window requirements for fire protection based on building use, occupancy, proximity to property lines, fire separation distance, interior fire barriers, corridors, partitions, or location in fire-prone areas.
- (3) Helene-affected county. – Any county in North Carolina declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene.

SECTION 6.(b) Window Exemption for Eligible Buildings. – Notwithstanding any provision of the North Carolina State Building Code, G.S. 143-138, or any other law to the contrary, the owner of an eligible building may elect to reconstruct or repair the building with window assemblies having the same fire-protection rating that existed in the building as of September 27, 2024, without being required to upgrade to the current fire-resistant window assemblies required by the North Carolina State Building Code. This exemption applies solely to the North Carolina State Building Code provisions mandating a higher or upgraded fire-protection rating or fire-resistant glazing for window openings. This exemption is available only when the work on the eligible building is solely to restore damage caused by Hurricane Helene and does not include additions or changes that would otherwise trigger the higher fire-resistant window requirements.

SECTION 6.(c) Limitation on Exemption. – If the exemption provided by this section is elected for an eligible building, all other applicable provisions of the North Carolina State Building Code shall remain in full force and effect. The exemption provided by this section does not relieve the building from compliance with other fire safety or North Carolina State Building Code requirements.

SECTION 6.(d) Required Affidavit. – A building owner electing to utilize the exemption provided by this section shall submit a written affidavit to the local building inspections department with the building permit application and prior to the installation of any windows. The affidavit shall be signed by the owner and notarized to constitute a legally binding statement. The local building inspections department shall retain the affidavit with the building permit records and note the exemption on the certificate of occupancy. The affidavit shall include all of the following:

- (1) A citation to this act and confirmation that the building qualifies as an eligible building under subsection (a) of this section.
- (2) A statement that the owner voluntarily assumes any risks associated with not installing fire-resistant window assemblies.
- (3) Identification of the specific window installations for which the exemption is claimed.

SECTION 6.(e) Expiration of Exemption. – To utilize the exemption provided by this section, an owner shall claim the exemption with submission of their building permit application within two years of the effective date of this section. Buildings with windows installed under the exemption may continue to use those windows following the expiration of the two-year period specified by this section; however, any subsequent renovations or additions shall comply with the State Building Code as then in effect.

SECTION 6.(f) Liability Protection. – No state or local government, building code official, inspector, or department shall be liable for any damages arising directly or indirectly from a building owner's use of the exemption provided by this section.

SECTION 6.(g) Rulemaking. – The Office of the State Fire Marshal and the North Carolina Building Code Council may adopt rules to implement the provisions of this section. The Office of the State Fire Marshal shall produce a standard form to provide to local code enforcement officials that may be provided to building owners upon request for purposes of the affidavit requirements of subsection (d) of this section.

SECTION 6.(h) This section is effective when it becomes law and applies to eligible buildings for which a Certificate of Occupancy is issued on or after that date.

HISTORIC FLOOD EVENT BUILDING CODE EXEMPTIONS

SECTION 7.(a) In the counties of Western North Carolina designated in FEMA's disaster declaration for the Helene flood event, defined as a historic flood event meeting or exceeding a 200-year flood, and pursuant to a memorandum of agreement (MOA) between the State of North Carolina and FEMA, the owner of a lawfully established building or structure damaged by the Helene flood event may replace or reconstruct the building or structure within the base floodplain to the same or lesser extent or volume as existed immediately before the flood event. Such reconstruction shall comply with the terms of the MOA and shall not preclude compliance with FEMA's minimum floodplain management standards (44 C.F.R. § 60.3) in all other parts of the State.

SECTION 7.(b) G.S. 143-215.54(a) reads as rewritten:

"(a) A-Subject to G.S. 160D-108, a local government may adopt ordinances to regulate uses in flood hazard areas and grant permits for the use of flood hazard areas that are consistent with the requirements of this Part."

SECTION 7.(c) The exception provided in Section 7.(a) shall only take effect upon the execution of a memorandum of agreement (MOA) between the State of North Carolina and FEMA. The MOA shall specify conditions under which reconstruction in the designated Western North Carolina counties may deviate from specific NFIP floodplain management standards (44 C.F.R. § 60.3) for structures damaged by the Helene flood event, while ensuring that all North Carolina communities remain eligible for participation in the NFIP. The MOA shall include provisions limiting deviations to the counties designated in FEMA's disaster declaration for the Helene flood event and ensuring no statewide loss of NFIP eligibility.

SECTION 7.(d) Except as provided in Section 7.(a) and subject to the terms of the MOA described in Section 7.(c), all communities in North Carolina shall continue to enforce FEMA's minimum floodplain management standards (44 C.F.R. § 60.3) for all substantially improved structures, including those damaged by a historic flood event, to maintain eligibility for the National Flood Insurance Program.

SECTION 7.(e) The exception provided in Section 7.(a) shall expire three years from the effective date of the memorandum of agreement with FEMA, unless extended by mutual agreement between the State of North Carolina and FEMA or terminated earlier in accordance with the MOA.

SECTION 7.(f) No provision of this act shall be construed to waive or modify any State or local regulations necessary to comply with FEMA's minimum floodplain management standards.

SECTION 8.(a) The Department of Environmental Quality, the Department of Agriculture and Consumer Services, and a unit of local government, as applicable, shall waive all of the following permits or requirements, to the extent the permits or requirements are State or local in origin and not otherwise required to satisfy federal law, as they may apply to persons or entities undertaking activities to process tree stumps and other vegetative debris into mulch, compost, or soil amendments in the counties designated before, on, or after the effective date of this act under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene:

- (1) A solid waste composting permit for Type 1 facilities under 15A NCAC 13B, provided that a person or entity undertaking such activity submits written notice at least 10 days prior to commencement of operations to the Department of Environmental Quality with all of the following information:
 - a. The facility location.
 - b. The name(s) and contact information of the owner and operator.
 - c. The type and amount of wastes to be received.
 - d. The composting process to be used.
 - e. The intended distribution of the finished product.
- (2) Approval of erosion and sediment control plans under 15A NCAC 04B, where activities do not involve the removal of trees or other existing groundcover.
- (3) Air quality permit requirements for vegetative debris processing equipment under 15A NCAC 02D.
- (4) Notwithstanding Article 2A of Chapter 106 of the General Statutes, and rules adopted thereunder, soil amendment or compost product registration required by the Department of Agriculture and Consumer Services.
- (5) State Fire Code limitations on mulch pile storage.

SECTION 8.(b) With respect to the permits or requirements set forth under subdivisions (2) through (5) of subsection (a) of this section, a person or entity undertaking such activity shall submit written notice at least 10 days prior to commencement of operations to the Department of Environmental Quality or the Department of Agriculture and Consumer Services, as applicable, and the unit of local government within which activities will be conducted, that includes a description of the general nature of the materials to be managed and the method(s) of management, the location of activities, and the date on which activities will be commenced.

SECTION 8.(c) Individual sites under this section are limited to a maximum allowance of 25,000 cubic yards, composed of both processed and unprocessed material.

SECTION 8.(d) The waiver of a permit pursuant to this section does not exempt activities conducted from compliance with other applicable regulations.

SECTION 8.(e) Mulch used for the purposes of temporary erosion control shall not be applied at a rate to exceed 4 inches in depth.

SECTION 8.(f) Material to be used as a soil amendment must be used at normally accepted agronomic rates as determined by industry practice. Recommendations for appropriate application rates should be determined in consultation with an agronomist with the Department of Agriculture and Consumer Services, a County or State Agriculture Extension agent, or a licensed soil scientist.

1 **SECTION 8.(g)** This section is effective when it becomes law and expires July 1,
2 2027. Any material managed under this section shall be removed from the site for its intended
3 purpose no later than July 1, 2027.

4 **SECTION 9.(a)** All units of local government in the counties designated before, on,
5 or after the effective date of this act under a major disaster declaration by the President of the
6 United States under the Stafford Act (P.L. 93 288) as a result of Hurricane Helene managing
7 vegetative debris removal within their jurisdictions shall transport the material to a composting
8 site for reuse as mulch or soil amendment when the transportation and disposal costs for
9 processing tree stumps and other vegetative debris at a composting site are equal to or less than
10 the costs associated with transportation and disposal at a landfill. The Department of
11 Environmental Quality and the Department of Agriculture and Consumer Services, to the extent
12 they assist in removal of vegetative debris in the affected area, shall comply with and assist local
13 governments in complying with the requirements of this section.

14 **SECTION 9.(b)** This section is effective when it becomes law and expires July 1,
15 2027.

16
17 **EFFECTIVE DATE**

18 **SECTION 10.** Except as otherwise provided, this act is effective when it becomes
19 law.