

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 466

Short Title: Allow Temporary Dwellings During Construction. (Public)

Sponsors: Representatives Crutchfield, Johnson, McNeely, and Balkcom (Primary Sponsors).

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

Referred to: Local Government - Land Use, Planning and Development, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 27, 2023

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH CRITERIA TO ALLOW FOR THE USE OF TEMPORARY
DWELLINGS ON RESIDENTIAL PROPERTY FOR THE DURATION OF THE
CONSTRUCTION OF A PERMANENT RESIDENTIAL DWELLING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 11 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"§ 160D-1110.1. Temporary dwelling permits during construction.

(a) A county shall permit the siting and use of a temporary dwelling that is unaffixed to the property, including a recreational vehicle as defined in G.S. 20-4.01, for the duration of the construction of a permanent residential dwelling on the same parcel, provided all of the following criteria are met:

- (1) All required permits and approvals for the construction of the permanent residential dwelling have been secured.
- (2) The temporary dwelling meets minimum habitability and safety standards applicable to that dwelling.
- (3) The temporary dwelling has access to a source of power and meets applicable sanitary conditions.
- (4) The temporary dwelling will be available for periodic inspections consistent with this Article to verify ongoing compliance with the conditions imposed under this section.
- (5) The subject parcel must have permitted driveway access installed.

(b) Upon payment of a reasonable fee, a county shall issue a permit for the use of a temporary dwelling meeting the criteria in this section. A county may require that the subject parcel be at least 1 acre in size. A county may require evidence sufficient to demonstrate that financing has been secured for the permanent residential dwelling construction. A county may require biennial renewal of the temporary dwelling permit and may also reasonably limit the duration of the temporary dwelling permit to the issuance of a certificate of occupancy, certificate of compliance, or temporary certificate pursuant to G.S. 160D-1116. A county may limit the issuance of a temporary dwelling permit to one active permit per subject parcel. A county may revoke a temporary dwelling permit if the building permit issued for the permanent residential dwelling has been revoked or has expired or if the temporary dwelling fails to meet the criteria imposed prior to the issuance of the temporary permit. Nothing in this section affects the validity



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1 or enforceability of applicable nuisance ordinances, private covenants, or contractual agreements
2 among property owners. A temporary permit issued pursuant to this section shall be exclusively
3 regulated by the issuing county and shall supersede the regulatory authority of any other local
4 government entity."

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