

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 266
PROPOSED COMMITTEE SUBSTITUTE S266-PCS35269-RI-6

Short Title: Historic Flood Event Bldg. Code Exemption.

(Public)

Sponsors:

Referred to:

March 12, 2025

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH EXEMPTIONS FROM CERTAIN FLOODPLAIN
2 REQUIREMENTS FOR THE REPLACEMENT OR RECONSTRUCTION OF
3 STRUCTURES DAMAGED BY HISTORIC FLOOD EVENTS; AND EXEMPTIONS
4 FROM SOLID WASTE COMPOSTING RULES, STATE-ONLY STORMWATER AND
5 SEDIMENTATION CONTROL REQUIREMENTS, STATE-ONLY AIR QUALITY
6 PERMITS, SOIL AMENDMENT OR COMPOST PRODUCT REGISTRATION, AND
7 FIRE CODE LIMITATIONS ON MULCH PILE STORAGE, FOR THE PROCESSING OF
8 TREE STUMPS AND OTHER VEGETATIVE DEBRIS INTO MULCH OR SOIL
9 AMENDMENTS IN THE COUNTIES AFFECTED BY HELENE FOR A PERIOD OF
10 TWENTY-FOUR MONTHS.
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.(a)** G.S. 143-138 is amended by adding a new subsection to read:

14 "(e1) Exemption for Historic Flood Event. – Notwithstanding any provision of law to the
15 contrary, including subsection (e) of this section, the North Carolina State Building Code, any
16 floodplain regulation established under Part 6 of Article 21 of this Chapter, a development
17 regulation established pursuant to authority in Chapter 160D of the General Statutes, or any other
18 local ordinance, the following shall apply:

19 (1) Replacement or reconstruction. – The owner of a lawfully established building
20 or structure damaged by a historic flood event may replace or reconstruct the
21 building or structure within the base floodplain, as defined in
22 G.S. 143-215.52(a)(1b), to the same or lesser extent or volume existing
23 immediately before the historic flood event, without regard to changes in State
24 or local regulations adopted after the building or structure was lawfully
25 established, subject to the limitation of subdivision (2) of this subsection.

26 (2) Limitation. – Replacement or reconstruction that increases the extent or
27 volume of the building or structure within the base floodplain shall not be
28 authorized unless hydrologic and hydraulic analyses, prepared in accordance
29 with standard engineering practice by a registered design professional,
30 demonstrate that the proposed replacement or reconstruction will not result in
31 any increase in the base flood elevation.

32 (3) Definitions. – For purposes of this subsection, the following definitions apply:
33 a. 200-year flood. – A flood having a one-half of one percent (0.5%)
34 probability of being equaled or exceeded in any given year, resulting
35 in floodwater elevations higher than the base flood elevation
36 associated with a 100-year flood.



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1 b. Historic flood event. – A flood event that meets or exceeds a 200-year
2 flood."

3 **SECTION 1.(b)** G.S. 143-215.54(a) reads as rewritten:

4 "(a) ~~A~~ Subject to G.S. 143-138(e1) and G.S. 160D-108, a local government may adopt
5 ordinances to regulate uses in flood hazard areas and grant permits for the use of flood hazard
6 areas that are consistent with the requirements of this Part."

7 **SECTION 1.(c)** No later than August 1, 2025, the Department of Insurance shall
8 prepare and submit to the Federal Emergency Management Agency (FEMA) for approval by that
9 agency the proposed changes set forth in subsections (a) and (b) of this section.

10 **SECTION 1.(d)** Subsections (a) and (b) of this section become effective on the later
11 of the following dates:

12 (1) October 1, 2025.

13 (2) The first day of a month that is 30 days after the Commissioner of Insurance
14 certifies to the Revisor of Statutes that FEMA has approved the proposed
15 changes set forth in subsections (a) and (b) of this section, as required by
16 subsection (c) of this section. The Commissioner shall provide this notice
17 along with the effective date of this act on its website.

18 **SECTION 1.(e)** The Department of Insurance shall report to the Joint Legislative
19 Commission on Governmental Operations on the status of their activities pursuant to subsection
20 (d) of this section quarterly, beginning September 1, 2025, until subsections (a) and (b) of this
21 section become law.

22 **SECTION 2.(a)** The Department of Environmental Quality, the Department of
23 Agriculture and Consumer Services, and a unit of local government, as applicable, shall waive
24 all of the following requirements, to the extent the requirements are State or local in origin and
25 not otherwise required to satisfy federal law, as they may apply to activities to process tree stumps
26 and other vegetative debris into mulch or soil amendments in the counties designated before, on,
27 or after the effective date of this act under a major disaster declaration by the President of the
28 United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene:

29 (1) Solid waste composting rules for Type 1 facilities under 15A NCAC 13B
30 .1400.

31 (2) Stormwater and sedimentation and erosion control requirements.

32 (3) Air quality permit requirements for vegetative debris processing equipment
33 under 15A NCAC 02D.

34 (4) Notwithstanding Article 2A of Chapter 106 of the General Statutes, and rules
35 adopted thereunder, soil amendment or compost product registration required
36 by the Department of Agriculture and Consumer Services.

37 (5) State Fire Code limitations on mulch pile storage.

38 **SECTION 2.(b)** This section is effective when it becomes law and expires July 1,
39 2027.

40 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
41 law.