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(Public)

Sponsors:

Referred to:

April 14, 2025

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH
CAROLINA.

The General Assembly of North Carolina enacts:

**ALLOW AUTHORIZED ON-SITE WASTEWATER EVALUATOR TO PREPARE A
SITE DENIAL LETTER FOR SUBSURFACE WASTEWATER SYSTEMS**

SECTION 1.(a) Definitions. – For purposes of this section, "Application Submittal Rule" means 15A NCAC 02T .0604 (Application Submittal).

SECTION 1.(b) Application Submittal Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Application Submittal Rule as provided in subsection (c) of this section.

SECTION 1.(c) Implementation. – A letter from either the local county health department or an Authorized On-Site Wastewater Evaluator certified pursuant to Article 5 of Chapter 90A of the General Statutes denying the site for all subsurface systems shall be submitted to the Division by the applicant.

SECTION 1.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Application Submittal Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 1.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SURVEYOR RIGHT OF ENTRY

SECTION 2.(a) G.S. 89C-19.2 is repealed.

SECTION 2.(b) Article 22B of Chapter 14 of the General Statutes is amended by adding a new section to read:



"§ 14-159.15. Limited right of entry by professional land surveyors.

(a) For the purposes of this section, the following terms are defined as follows:

(1) Critical infrastructure. – As defined in 42 U.S.C. § 5195c.

(2) Landowner. – The owner, lessee, or occupant of a parcel of land.

(3) Practice of land surveying. – As defined in G.S. 89C-3.

(4) Professional land surveyor. – As defined in G.S. 89C-3. For purposes of this section, this term includes any agents, employees, or personnel under the supervision of a professional land surveyor.

(b) A professional land surveyor shall have the right to enter upon the lands of others, if necessary to perform surveys for the practice of land surveying, including the location of property corners, boundary lines, rights-of-way, and easements, and may carry with them their customary equipment and vehicles. An entry by a professional land surveyor to perform the practice of land surveying under this section shall not constitute trespass under this Article or Article 22A of this Chapter and shall not cause the professional land surveyor to be subject to arrest or a civil action by reason of the entry.

(c) Nothing in this section shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner, and nothing in this section shall be construed as removing civil liability for such damage.

(d) No professional land surveyor shall have a civil cause of action against a landowner for personal injury or property damage incurred while on the land for purposes consistent with those described in subsection (b) of this section, except when such damages and injury were willfully or deliberately caused by the landowner.

(e) Nothing in this section shall be construed as giving authority to a professional land surveyor to do the following:

(1) Enter lands traversed by an operating railroad or properties owned, held, used, or operated by a railroad or their subsidiaries.

(2) Enter lands containing critical infrastructure."

SECTION 2.(c) This section applies to acts on or after its effective date.

PROHIBIT INSPECTION DEPARTMENTS FROM CHARGING FEES FOR CERTAIN INSPECTION CANCELLATIONS

SECTION 3. G.S. 160D-1104 is amended by adding a new subsection to read:

"(d2) An inspection department shall not charge the permit holder a fee or fail an inspection of a building or structure subject to the North Carolina Residential Code, if the permit holder cancels a scheduled inspection more than one business day before the scheduled inspection."

LIMIT DESIGN METHODOLOGY AND CONSTRUCTION STANDARDS FOR CERTAIN MUNICIPAL STREETS

SECTION 4.(a) G.S. 160D-702 reads as rewritten:

"§ 160D-702. Grant of power.

...

(c) A zoning or other development regulation shall not do any of the following:

(1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code.

(2) Require a parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.

(3) Require additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings

set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings.

(4) Establish or require pavement design standards for public roads or private roads that are more stringent than the minimum pavement design standards adopted by the Department of Transportation.

(d) For purposes of this section, the term "public road" shall mean any road, street, highway, thoroughfare, or other way of passage that is owned by a city or the Department of Transportation."

SECTION 4.(b) This section becomes effective January 1, 2026, and applies to projects initiated on or after that date.

LOCAL GOVERNMENT REQUIREMENTS FOR PEDESTRIAN FACILITIES AND ROADWAY IMPROVEMENTS IN EXTRATERRITORIAL JURISDICTION

SECTION 5.(a) Article 15 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"§ 160D-1504. Local government requirements for pedestrian facilities and roadway improvements within extraterritorial jurisdiction.

A local government that requires a developer to construct pedestrian facilities or roadway improvements, which include improvements within public right-of-way located outside of a construction project boundary, to standards or with attributes which would preclude a pedestrian facility or roadway improvement from acceptance by the North Carolina Department of Transportation, shall coordinate with the Department to enter into agreements for the local government to assume maintenance and repair responsibilities for the portions of pedestrian facilities or street improvements precluded from acceptance by the Department. This section applies to projects located within an extraterritorial jurisdiction established pursuant to Article 2 of this Chapter."

SECTION 5.(b) This section becomes effective January 1, 2026, and applies to projects initiated on or after that date.

EXEMPT MODEL HOMES FROM FIRE PROTECTION WATER SUPPLY REQUIREMENT DURING CONSTRUCTION

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

- (1) Code. – The North Carolina State Building Code, and amendments to the Code, as adopted by the Councils.
- (2) Councils. – The Building Code Council and Residential Code Council.
- (3) Model home. – As defined in G.S. 160D-1501(a).
- (4) Water Supply Rules. – Section 3312.1, when required, of the North Carolina Fire Code, and Section 3313.1, where required, of the North Carolina Building Code.

SECTION 6.(b) Water Supply Rules. – Until the effective date of the rules to amend Water Supply Rules, the Office of the State Fire Marshal, the Councils, and State and local governments enforcing the Code shall implement Water Supply Rules as provided in subsection (c) of this section.

SECTION 6.(c) Implementation. – Notwithstanding Water Supply Rules, the fire code official is authorized to reduce the fire-flow requirements for an isolated model home at a subdivision project site where development of full-fire flow requirements is impractical or pending.

SECTION 6.(d) Additional Rulemaking Authority. – The Council shall adopt rules to amend Water Supply Rules to be consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Council pursuant to this section shall

be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 6.(e) Additional Residential Code Council Rulemaking Authority. – The Residential Code Council shall adopt rules to amend the 2024 North Carolina State Building Code volumes specified within G.S. 143-138(a)(1) through (10) to make conforming changes to codes applicable to residential construction consistent with rules adopted by the Building Code Council as required by subsection (d) of this section. Rules adopted pursuant to this subsection are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this subsection shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 6.(f) Sunset. – This section expires when permanent rules adopted as required by subsections (d) and (e) of this section become effective.

ADVANCED TEACHING ROLES – LIMITED CLASS SIZE EXCEPTION AND TRACK ROLES IN STUDENT INFORMATION SYSTEM

SECTION 7.(a) Notwithstanding G.S. 115C-301 and G.S. 115C-310.7, for any ATR unit that received its final year of grant funding under G.S. 115C-310.11 in the 2024-2025 school year, the State Board of Education may authorize ATR schools within the ATR unit to exceed the maximum class size requirements for kindergarten through third grade for the 2025-2026 and 2026-2027 school years. For the purposes of this subsection, "ATR unit" and "ATR school" are as defined in G.S. 115C-310.3.

SECTION 7.(b) G.S. 115C-310.15 is amended by adding a new subsection to read:
"(d) The Department of Public Instruction shall create designations for teachers serving in advanced teaching roles in the student information system."

SECTION 7.(c) This section is effective when it becomes law.

END DUAL LICENSURE REQUIREMENTS FOR AUDIOLOGISTS

SECTION 8.(a) G.S. 93D-14 reads as rewritten:

"§ 93D-14. Persons not affected.

(a) Nothing in this Chapter shall apply to a physician licensed to practice medicine or surgery in the State of North Carolina.

(b) Any person who meets the requirements of ~~having both a doctoral degree in Audiology and~~ holding a valid ~~permanent-unrestricted~~ license as an audiologist under Article 22 of Chapter 90 of the General Statutes of North Carolina is exempt from licensure under this Chapter. ~~A person who does not meet both requirements of having a doctoral degree in Audiology and holding a valid permanent license as an audiologist under Article 22 of Chapter 90 of the General Statutes of North Carolina must become a registered apprentice or be licensed by the Board before fitting or selling hearing aids in the State of North Carolina.~~

(c) ~~Nothing in this Chapter shall be construed to exempt an audiology assistant or certified technician, working under the supervision of a licensee or a person exempt from licensure under this Chapter, from being subject to the provisions of this Chapter. Such a person, before engaging in fitting or selling hearing aids, as defined in this Chapter, must be registered as an apprentice under a Registered Sponsor or be licensed by the Board.~~

(d) The provisions of this Chapter shall not apply to the activities and services of an audiology student pursuing a course of study in an accredited college or university, if these activities and services constitute a part of such person's course of study."

SECTION 8.(b) This section is effective when it becomes law.

1 **LOCKED HEARING AID DISCLOSURES FOR HEARING AID FITTERS, DEALERS,**
2 **AND AUDIOLOGISTS**

3 **SECTION 9.(a)** Chapter 93D of the General Statutes is amended by adding a new
4 section to read:

5 **"§ 93D-7.1. Disclosure of locked hearing aid software; additional disclosures and record**
6 **keeping.**

7 (a) Definitions. – The following definitions apply in this section:

8 (1) Locked hearing aid. – A prescription hearing aid or an over-the-counter
9 hearing aid that uses either proprietary programming software or locked,
10 nonproprietary programming software that restricts programming or servicing
11 of the device to specific facilities or providers.

12 (2) Locked, nonproprietary programming software. – Software that any provider
13 or seller can render inaccessible to other hearing aid programmers.

14 (3) Proprietary programming software. – Software used to program hearing aids
15 that is supplied by a hearing aid distributor or manufacturer for exclusive use
16 by affiliated providers or sellers. This software is locked and inaccessible to
17 nonaffiliated providers or sellers.

18 (b) Disclosure of Locked, Nonproprietary or Proprietary Programming Software. – To
19 the extent not inconsistent with federal law, any person licensed under this Chapter who engages
20 in fitting or selling of locked hearing aids shall, at the time of purchase of any locked hearing aid,
21 provide the purchasing patient with a written notice, in 12-point type or larger, stating:

22 "The locked hearing aid being purchased uses locked, nonproprietary or proprietary
23 programming software and can only be serviced or programmed at specific facilities or
24 locations."

25 The purchasing patient shall sign the notice at the time of purchase with physical or electronic
26 signature. The licensee shall retain a copy of the signed notice in the patient's file for at least
27 three years, subject to the conditions of subsection (d) of this section.

28 (c) Written Receipt of Sale. – Upon consummation of a sale of a locked hearing aid, in
29 addition to complying with G.S. 93D-7, the licensee shall give to the purchasing patient a written
30 receipt signed, with physical or electronic signature, by or on behalf of the licensee and the
31 patient, containing all of the following information:

32 (1) The date of consummation of the sale.

33 (2) The make, model number, and serial number of the hearing aid sold.

34 (3) Whether the locked hearing aid is new, used, or reconditioned.

35 (4) The licensee's name and license number, and the name and license number of
36 any other hearing aid dispenser, apprentice, temporary licensee, or trainee
37 licensee who provided any recommendation or consultation regarding the
38 purchase.

39 (5) The address of the principal place of business of the licensee, and the address
40 and office hours at which the licensee shall be available for fitting or
41 post-fitting adjustments and servicing of the hearing aid sold.

42 (6) The terms of any guarantee or written warranty made to the purchasing patient
43 with respect to the locked hearing aid.

44 If multiple locked hearing aids are sold in a single transaction, a single written notice under
45 subsection (b) of this section and a single written receipt under this subsection may be used to
46 satisfy the requirements of this section, provided that the required information for each locked
47 hearing aid sold is documented.

48 (d) Record Keeping. – The licensee shall maintain, for a period of at least three years
49 after the sale of a locked hearing aid, the following records for each locked hearing aid
50 transaction:

- (1) A copy of the written notice described in subsection (b) of this section as signed by the purchasing patient.
- (2) A copy of the written receipt described in subsection (c) of this section.
- (3) The results of any audiologic tests or measurements performed as part of the fitting and dispensing of the locked hearing aid or aids.
- (4) A copy of any written recommendations prepared as part of the fitting and dispensing of the locked hearing aid or aids.

These records shall be kept at the licensee's principal place of practice and shall be made available for inspection by the Board."

SECTION 9.(b) The North Carolina State Hearing Aid Dealers and Fitters Board may adopt rules to implement subsection (a) of this section.

SECTION 9.(c) This section becomes effective October 1, 2025.

SECTION 9.1.(a) Article 22 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-308. Disclosure of locked hearing aid software by audiologists; receipt and record requirements.

(a) Disclosure of Locked, Nonproprietary or Proprietary Programming Software. – To the extent not inconsistent with federal law, a licensed audiologist who engages in the fitting or selling of locked hearing aids, as defined in G.S. 93D-7.1(a)(1), shall, at the time of purchase of any locked hearing aid, provide the purchasing patient with a written notice in at least 12-point type stating:

"The locked hearing aid being purchased uses locked, nonproprietary or proprietary programming software and can only be serviced or programmed at specific facilities or locations."

The purchasing patient shall sign the notice at the time of purchase with physical signature or electronic signature. The audiologist shall retain a copy of the signed notice in the patient's file in addition to the record requirements of subsection (c) of this section.

(b) Written Receipt of Sale. – Upon the consummation of a sale of a locked hearing aid, in addition to complying with G.S. 93D-7, the audiologist shall give the purchasing patient a written receipt signed, with physical or electronic signature, by or on behalf of the audiologist and the patient, containing all of the following information:

- (1) The date of consummation of the sale.
- (2) The make, model, and serial number of the locked hearing aid sold.
- (3) Whether the hearing aid is new, used, or reconditioned.
- (4) The audiologist's name and license number. If any other hearing care professionals licensed under this Article, such as another audiologist or temporary licensee, provided any recommendation or consultation for the purchase, their name and applicable license number shall also be noted.
- (5) The address of the principal place of business of the audiologist, and the address and office hours at which the audiologist shall be available for fitting or post-fitting adjustments and servicing of the hearing aid sold.
- (6) The terms of any guarantee or written warranty made to the purchasing patient with respect to the locked hearing aid.

If multiple locked hearing aids are sold in a single transaction, a single written notice under subsection (a) of this section and a single written receipt under this subsection may be used to satisfy the requirements of this section, provided that the required information for each locked hearing aid sold is documented.

(c) Record Keeping. – A licensed audiologist shall maintain, for a period of at least three years after the sale of a locked hearing aid, the following records for each locked hearing aid transaction:

- (1) A copy of the written notice described in subsection (a) of this section as signed by the purchasing patient.
- (2) A copy of the written receipt described in subsection (b) of this section.
- (3) The results of any audiologic tests or measurements performed as part of the fitting and dispensing of the locked hearing aid or aids.
- (4) A copy of any written recommendations prepared as part of the fitting and dispensing of the hearing aid or aids.

These records shall be kept at the audiologist's principal place of practice and shall be made available for inspection by the Board."

SECTION 9.1.(b) The North Carolina Board of Examiners for Speech and Language Pathologists and Audiologists may adopt rules to implement subsection (a) of this section.

SECTION 9.1.(c) This section becomes effective October 1, 2025.

ALLOW BUYER'S AGENT COMPENSATION TO BE INCLUDED IN THE OFFER TO PURCHASE

SECTION 10.(a) Definitions. – For purposes of this section, "Offer and Sales Contracts Rule" means 21 NCAC 58A .0112 (Offer and Sales Contracts).

SECTION 10.(b) Offer and Sales Contracts Rule. – Until the effective date of the revised permanent rule that the Real Estate Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Offer and Sales Contracts Rule as provided in subsection (c) of this section.

SECTION 10.(c) Implementation. – A broker acting as an agent in a real estate transaction may use a preprinted offer or sales contract form containing provisions concerning the payment of a commission or compensation, including the forfeiture of earnest money, to a broker or firm.

SECTION 10.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Offer and Sales Contracts Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 10.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

PROHIBIT WAITING PERIODS FOR REILING OF DEVELOPMENT APPLICATIONS

SECTION 11. G.S. 160D-601 is amended by adding a new subsection to read:

"(e) Withdrawn or Denied Applications. – A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from reiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval."

LIMIT LOCAL GOVERNMENT AUTHORITY TO REGULATE THE DISPLAY OF AMERICAN FLAGS ON PRIVATE PROPERTY

SECTION 12.(a) Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-205.8. Limitations on regulations of display of certain flags on private property.

(a) No city shall adopt or enforce an ordinance that prohibits or restricts, or has the effect of prohibiting or restricting, a property owner from displaying a flag of the United States of

America or the State of North Carolina, including prohibiting or restricting the size of the flag or the height of any associated flagpole, on the property owner's property.

(b) A city may adopt an ordinance to reasonably regulate the manner and placement of the display of a flag of the United States of America or the State of North Carolina only when necessary to protect public health and safety; provided, however, enforcement of the ordinance as to a particular property shall require evaluation of and written findings of fact documenting the public health and safety concerns justifying enforcement of the ordinance at that particular property. If a city asserts a traffic-based justification concerning a flag on a particular property, a site study conducted by the Department of Transportation shall be performed to evaluate whether traffic concerns will actually arise with manner or placement of the display of the flag at the particular location, and a flag shall only be prohibited if the Department of Transportation determines traffic concerns would in fact arise."

SECTION 12.(b) This section is effective when it becomes law, and any citation, fine, penalty, action, proceeding, or litigation pending on that date which has resulted from application of an ordinance contrary to the provisions of this section is abated by this section.

ALLOW OFF-SITE FOOD SERVICE FOR WORKPLACE EVENTS

SECTION 13. G.S. 130A-248 is amended by adding a new subsection to read:

"(c4) Notwithstanding any provision of this Part, a permitted food establishment may serve food or drink in a workplace setting at an off-site location for the employees of that designated workplace and their invited guests. Food may be sold individually to employees or guests of the designated workplace. The food establishment shall notify the local health department before initiating off-site service at a designated workplace. The food establishment shall provide an off-site location schedule to the local health department upon the request of the local health department. The food establishment shall comply with all of the following requirements, and if the local health department inspects the off-site location, only these requirements shall be assessed:

- (1) All food served at the off-site location shall be prepared and cooked at the permitted food establishment. Food may be assembled during service at the off-site location with no further cooking.
- (2) Assembling and serving food or drink shall only take place indoors.
- (3) Food or drink shall be protected from contamination during transportation, display, assembling, and service.
- (4) Utensils used during food service shall be returned to the permitted food establishment to be washed, rinsed, and sanitized. The permitted food establishment shall provide extra serving utensils from the food establishment to the off-site location.
- (5) The food establishment shall utilize Time as a Public Health Control as required in Section 3-501.19 of the NC Food Code.
- (6) No permitted food establishment shall operate in the same location for more than three days in a seven-day period.
- (7) Food employees shall be employed by the holder of the food establishment permit and at least one food employee shall always be present from the time food or drink leaves the permitted establishment until the end of the serving period at the off-site location.
- (8) One food employee present at the off-site establishment location shall be a certified food protection manager as required in Section 2-102.12 in the NC Food Code.
- (9) Handwashing facilities shall be conveniently located, easily accessible, and supplied with water, soap, and single-use towels at the off-site location.

1 Portable or plumbed handwashing facilities may be used. Handwashing
2 facilities for food employees shall not be located in a restroom.
3 (10) Customers or guests shall not be allowed to serve themselves."
4

5 **EXTEND NOTICE REQUIRED BEFORE CONTESTED CASE HEARINGS**

6 **SECTION 14.(a)** G.S. 150B-23(b) reads as rewritten:

7 "(b) ~~The parties to a contested case shall be given a notice of hearing not less than 15 days~~
8 ~~before the hearing by the Office of Administrative Hearings. Not less than 30 days before the~~
9 initial hearing date, the Office of Administrative Hearings shall give notice of the week and
10 county in which the hearing will be held to the parties to a contested case. Not less than 15 days
11 before the hearing, formal notice of the hearing shall be given to the parties in writing by the
12 Office of Administrative Hearings. If prehearing statements have been filed in the case, the notice
13 shall state the date, hour, and place of the hearing. If prehearing statements have not been filed
14 in the case, the notice shall state the date, hour, place, and nature of the hearing, shall list the
15 particular sections of the statutes and rules involved, and shall give a short and plain statement
16 of the factual allegations. A party may waive notice in writing as to their notice."

17 **SECTION 14.(b)** G.S. 150B-38 reads as rewritten:

18 **"§ 150B-38. Scope; hearing required; notice; venue.**

19 (a) The provisions of this Article shall apply to:

- 20 (1) Occupational licensing agencies.
21 (2) The State Banking Commission, the Commissioner of Banks, and the Credit
22 Union Division of the Department of Commerce.
23 (3) The Department of Insurance and the Commissioner of Insurance.
24 (4) The State Chief Information Officer in the administration of the provisions of
25 Article 15 of Chapter 143B of the General Statutes.
26 (5) The North Carolina State Building Code Council.
27 (5a) The Office of the State Fire Marshal and the State Fire Marshal.
28 (6) Repealed by Session Laws 2018-146, s. 4.4(b), effective December 27, 2018.

29 (b) Prior to any agency action in a contested case, the agency shall give the parties in the
30 case an opportunity for a hearing without undue delay and notice not less than ~~15 days~~ 30 days
31 before the hearing. Notice to the parties shall include all of the following:

- 32 (1) A statement of the date, hour, place, and nature of the hearing.
33 (2) A reference to the particular sections of the statutes and rules involved.
34 (3) A short and plain statement of the facts alleged.

35 "

37 **ENCOURAGE ARTICLE 3A AGENCIES TO NEGOTIATE INFORMALLY**

38 **SECTION 15.** G.S. 150B-22 reads as rewritten:

39 **"§ 150B-22. Settlement; contested case.**

40 (a) It is the policy of this State that any dispute between an agency and another person
41 that involves the person's rights, duties, or privileges, including licensing or the levy of a
42 monetary penalty, should be settled through informal procedures. In trying to reach a settlement
43 through informal procedures, the agency may not conduct a proceeding at which sworn testimony
44 is taken and witnesses may be cross-examined.

45 (b) If the agency and the other person do not agree to a resolution of the dispute through
46 informal procedures, either the agency or the person may commence an administrative
47 proceeding to determine the person's rights, duties, or privileges, at which time the dispute
48 becomes a "contested case." A party or person aggrieved shall not be required to petition an
49 agency for rule making or to seek or obtain a declaratory ruling before commencing a contested
50 case pursuant to G.S. 150B-23.

(c) This section applies to agencies covered under both this Article and Article 3A of this Chapter."

SWIMMING POOL AMENDMENTS

SECTION 16. G.S. 130A-39(b) reads as rewritten:

"(b) A local board of health may adopt a more stringent rule in an area regulated by the Commission for Public Health or the Environmental Management Commission where, in the opinion of the local board of health, a more stringent rule is required to protect the public health; otherwise, the rules of the Commission for Public Health or the rules of the Environmental Management Commission shall prevail over local board of health rules. However, a local board of health may not adopt a rule concerning a private pool serving a single family dwelling otherwise exempt from regulation pursuant to G.S. 130A-280 or a rule concerning the grading, operating, and permitting of food and lodging facilities as listed in Part 6 of Article 8 of this Chapter and as defined in G.S. 130A-247(1), and a local board of health may adopt rules concerning wastewater collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters only in accordance with G.S. 130A-335(c)."

SECTION 17. G.S. 130A-280 reads as rewritten:

"§ 130A-280. Scope and definitions.

(a) ~~This Article~~ Part provides for the regulation of public swimming pools in the State as they may affect the public health and safety. ~~As used in this Article, the term "public swimming pool" means any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas, spas operating for display at temporary events, and artificial swimming lagoons. As used in this Article, an "artificial swimming lagoon" means any body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant that results in a disinfectant residual in the swimming zone that is protective of the public health. This Article~~ Part does not apply to any of the following:

- (1) A private pool serving a single family dwelling and used only by the residents of the dwelling and their ~~guests~~ guests, regardless of whether their guests gain use of the private pool through a sharing economy platform or pay a fee for its use. In all cases in which a fee is exchanged for access to a private pool serving a single family dwelling that is used only by the residents of the dwelling and their guests, the private pool shall be maintained in good and safe working order.
- (2) ~~A private pool serving a single family dwelling meeting the minimum requirements of this subdivision which is offered to, and used by, individuals on a temporary basis utilizing a sharing economy platform. For the purposes of this subdivision, a sharing economy platform means an online platform used to facilitate peer-to-peer transactions to acquire, provide, or share access to goods and services. For the purposes of this subdivision, a pool must meet all of the following minimum requirements:~~
 - a. ~~Pools must have proper fencing and barriers to prevent unsupervised access, especially by children. The fence should be at least 4 feet high with a self latching gate.~~
 - b. ~~Pools must have clear and conspicuous signage posted around the pool area specifying pool rules, depth markers, and any potential hazards.~~

- 1 e. ~~Pools must be equipped with basic lifesaving equipment, including life~~
2 ~~rings and reaching poles.~~
3 d. ~~Pool decks and surrounding areas must have non-slip surfaces.~~
4 e. ~~Pools must have properly fitted covers for all submerged suction~~
5 ~~outlets.~~
6 f. ~~Pools must be well-maintained with proper chemical balance and~~
7 ~~cleanliness to ensure safe and healthy swimming conditions.~~
8 (3) Therapeutic pools used in physical therapy programs operated by medical
9 facilities licensed by the Department or operated by a licensed physical
10 therapist, nor to therapeutic chambers drained, cleaned, and refilled after each
11 individual use.
12 (b) Definitions. – The following definitions apply in this Part:
13 (1) Artificial swimming lagoon. – Any body of water used for recreational
14 purposes with more than 20,000 square feet of surface area, an artificial liner,
15 and a method of disinfectant that results in a disinfectant residual in the
16 swimming zone that is protective of the public health.
17 (2) Public swimming pool. – Any structure, chamber, or tank containing an
18 artificial body of water used by the public for swimming, diving, wading,
19 recreation, or therapy, together with buildings, appurtenances, and equipment
20 used in connection with the body of water, regardless of whether a fee is
21 charged for its use. The term includes municipal, school, hotel, motel,
22 apartment, boarding house, athletic club, or other membership facility pools
23 and spas, spas operating for display at temporary events, and artificial
24 swimming lagoons.
25 (3) Sharing economy platform. – An online platform used to facilitate
26 peer-to-peer transactions to acquire, provide, or share access to goods and
27 services."
28

29 ZONING REGULATIONS/UNIVERSITY PROPERTY

30 SECTION 18. G.S. 160D-913 reads as rewritten:

31 "§ 160D-913. Public buildings.

32 (a) Except as provided in G.S. 143-345.5 and this section, local government zoning and
33 development regulations are applicable to the erection, construction, and use of buildings by the
34 State of North Carolina and its political subdivisions.

35 (b) Except as provided in G.S. 143-345.5, this Chapter shall not apply to the construction,
36 erection, alteration, enlargement, renovation, substantial repair, movement to another site,
37 demolition, or use of any building or property by the State of North Carolina, ~~including if the~~
38 ~~project is managed by the State Construction Office, or The University of North Carolina or any~~
39 ~~of its constituent institutions, if the project is managed or authorized by The University of North~~
40 ~~Carolina, and the project is located in whole or in part in Buncombe, Watauga, or Wake County~~
41 ~~and the project is managed by the State Construction Office-County.~~

42 (c) Except as provided in G.S. 143-345.5, this Chapter shall not apply to the construction,
43 erection, alteration, enlargement, renovation, substantial repair, movement to another site,
44 demolition, or use of any building or property when the project is managed by the Legislative
45 Services Commission.

46 (d) Notwithstanding the provisions of any general or local law or ordinance, except as
47 provided in Part 4 of Article 9 of this Chapter, no land owned by the State of North Carolina may
48 be included within an overlay district or a conditional zoning district without approval of the
49 Council of State or its delegate.

(e) For properties exempt from this Chapter under subsection (b) or (c) of this section, the State Construction Office or the Legislative Services Commission shall consult with the appropriate county or city with jurisdiction with regard to all of the following:

- (1) Water and sewer services to be provided to the project.
- (2) Stormwater implications of the project.
- (3) Impacts on traffic patterns and parking.
- (4) Perimeter buffering, landscaping, tree protection, and riparian buffer requirements.
- (5) Local environmental regulations adopted under Part 2 of Article 9 of this Chapter."

DOWNSTREAM INUNDATION MAPS

SECTION 19. G.S. 143-215.31 reads as rewritten:

"§ 143-215.31. Supervision over maintenance and operation of dams.

...

(a1) The owner of a dam classified by the Department as a high-hazard dam or an intermediate-hazard dam shall develop an Emergency Action Plan for the dam as provided in this subsection:

...

- (6) Information included in an Emergency Action Plan that constitutes sensitive public security information, as provided in G.S. 132-1.7, shall be maintained as confidential information and shall not be subject to disclosure under the Public Records Act. For purposes of this section, "sensitive public security information" ~~shall include~~ includes Critical Energy Infrastructure Information protected from disclosure under rules adopted by the Federal Energy Regulatory Commission in ~~18 C.F.R. § 388.112~~ 18 C.F.R. § 388.112, but does not include Emergency Action Plans or downstream inundation maps associated with impoundments or dams not regulated by the Federal Emergency Regulatory Commission.

...."

NO SECOND BITE FOR STORMWATER PERMITTING REVIEW

SECTION 20. G.S. 143-214.7(b6) reads as rewritten:

"(b6) Permitting under the authority granted to the Commission by this section shall comply with the procedures and time lines set forth in this subsection. For any development necessitating stormwater measures subject to this section, applications for new permits, permit modifications, permit transfers, permit renewals, and decisions to deny an application for a new permit, permit modification, transfer, or renewal shall be in writing. Where the Commission has provided a digital submission option, such submission shall constitute a written submission. The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit or for a renewal of a permit as specified in this subsection after the applicant submits all information required by the Commission, the application shall be deemed approved without modification. ~~[The following provisions apply:]~~ The following provisions apply:

- (1) The Commission shall perform an administrative review of a new application and of a resubmittal of an application determined to be incomplete under subdivision (3) of this subsection within 10 working days of receipt to determine if the information is administratively complete. If complete, the Commission shall issue a receipt letter or electronic response stating that the

1 application is complete and that a 70-calendar day technical review period has
2 started as of the original date the application was received. If required items
3 or information is not included, the application shall be deemed incomplete,
4 and the Commission shall issue an application receipt letter or electronic
5 response identifying the information required to complete the application
6 package before the technical review begins. When the required information is
7 received, the Commission shall then issue a receipt letter or electronic
8 response specifying that it is complete and that the 70-calendar day review
9 period has started as of the date of receipt of all required information. The
10 Commission shall develop an application package checklist identifying the
11 items and information required for an application to be considered
12 administratively complete. After issuing a letter or electronic response
13 requesting additional information based on the original submittal under this
14 subdivision, the Commission shall not subsequently request additional
15 information that was not previously identified as missing or required in that
16 additional information letter or electronic response from the original
17 submittal. The Commission may, however, respond to subsequent additional
18 information letters or electronic responses with a request for additional
19 information limited to information missing from that subsequent additional
20 information letter or electronic response.

21"

22
23 **MODIFY THE FALLS RESERVOIR WATER SUPPLY NUTRIENT STRATEGY**
24 **RULES TO EXEMPT NEW RESIDENTIAL DEVELOPMENT DISTURBING LESS**
25 **THAN 1 ACRE**

26 **SECTION 21.(a)** Definitions. – For purposes of this section and its implementation,
27 "Falls Lake New Development Rule" means 15A NCAC 02B .0277 (Falls Reservoir Water
28 Supply Nutrient Strategy: Stormwater Management for New Development).

29 **SECTION 21.(b)** Falls Lake New Development Rule. – Until the effective date of
30 the revised permanent rule that the Environmental Management Commission (Commission) is
31 required to adopt pursuant to subsection (d) of this section, the Commission shall implement the
32 Falls Lake New Development Rule as provided in subsection (c) of this section.

33 **SECTION 21.(c)** Implementation. – Except as required pursuant to federal law or
34 permit, no stormwater permit, management plan, or post-construction stormwater controls shall
35 be required under the Falls Lake New Development Rule or local ordinances adopted thereunder
36 for single family and duplex residential dwellings that cumulatively disturb less than 1 acre,
37 which is not part of a larger common plan of development. Notwithstanding any authority granted
38 under the Falls Lake New Development Rule or pursuant to other statute or rule, no local
39 government may establish requirements more restrictive than that established by this subsection.

40 **SECTION 21.(d)** Additional Rulemaking Authority. – The Commission shall adopt
41 a rule to amend the Falls Lake New Development Rule consistent with subsection (c) of this
42 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
43 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
44 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
45 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
46 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
47 G.S. 150B-21.3(b2).

48 **SECTION 21.(e)** Sunset. – This section expires when permanent rules adopted as
49 required by subsection (d) of this section become effective.

50
51 **MINING PERMIT PROCESS MODIFICATIONS**

SECTION 22.(a) G.S. 74-49 reads as rewritten:

"§ 74-49. Definitions.

Wherever used or referred to in this Article, unless a different meaning clearly appears from the context:

...

(7) "Mining" means any of the following: (i) the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; (ii) any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; or (iii) the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

"Mining" does not include:

...

h. Activities undertaken at any time within the mine permit boundaries for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, as adopted by the Department of Agriculture and Consumer Services.

...."

SECTION 22.(b) G.S. 74-50 reads as rewritten:

"§ 74-50. Permits – General.

...

(b2) The notice shall inform the owners of record and chief administrative officers of the opportunity to submit written comments to the Department regarding the proposed new or modified mining operation that adds land to the permitted area and the opportunity to request a public hearing regarding the proposed new or modified mining operation. Requests for public hearing shall be made within 30 days of issuance of the ~~notice~~notice, or receipt of the application by the Department, whichever is later.

...

(c) No permit shall become effective until the operator has deposited with the Department an acceptable performance bond or other security pursuant to G.S. 74-54.

(1) If at any time the bond or other security, or any part thereof, shall lapse for any reason other than a release by the Department, and the lapsed bond or security is not replaced by the operator within 30 days after notice of the lapse, the permit to which the lapsed bond or security pertains shall be automatically revoked.

(2) If the Department is noticed of pending cancellation of a bond by the surety pursuant to G.S. 74-54(a) and the bond is not replaced within 45 days of the Department's receipt of the notice, the permit to which the bond or security pertains shall be automatically revoked.

...

(e) Public comment periods and time frames for conducting public hearings as established by this Article shall not be extended nor altered by the Department. When the Department holds a public hearing pursuant to G.S. 74-51(c), the 60-day technical review period established in G.S. 74-51(b1) shall not conclude until either 30 days following the public hearing, or the original 60-day technical review period, whichever is later."

SECTION 22.(c) G.S. 74-51 reads as rewritten:

"§ 74-51. Permits – Application, granting, conditions.

...

(b) Before deciding whether to grant a new permit, the Department shall circulate copies of a notice of application for review and comment as it deems advisable. The Department shall grant or deny the permit requested as expeditiously as possible, ~~but in no event later than 60 days after the application form and any relevant and material supplemental information reasonably required shall have been filed with the Department, or if a public hearing is held, within 30 days following the hearing and the filing of any relevant and material supplemental information reasonably required by the Department.~~ possible. Priority consideration shall be given to applicants who submit evidence that the mining proposed will be for the purpose of supplying materials to the Board of Transportation. In accordance with G.S. 143B-279.18, except to the extent required by federal or State law, the Department shall not refuse to accept an application for, nor refuse to issue, a new, modified, or transferred mining permit based solely on the failure of an applicant to obtain another permit, authorization, or certification required for the same project. For purposes of this section, failure to obtain a permit, authorization, or certification shall not include denial of the permit, authorization, or certification by the Department based on the standards for approval of the permit, authorization, or certification provided by law.

(b1) The Department shall act on a permit application as quickly as possible. The Department may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Department considers necessary to evaluate the application. If the Department fails to act on an application for a new, modified, or transferred mining permit as specified in this subsection after the applicant submits all information required by the Department, the application shall be deemed approved without modification. The following provisions apply:

(1) The Department shall perform an administrative review of an application and of a resubmittal of an application determined to be incomplete under subdivision (3) of this subsection within 10 working days of receipt to determine if the information is administratively complete. If complete, the Department shall issue a receipt letter or electronic response stating that the application is complete and that a 60-calendar day technical review period has started as of the original date the application was received. If required items or information is not included, the application shall be deemed incomplete, and the Department shall issue an application receipt letter or electronic response identifying the information required to complete the application package before the technical review begins. When the required information is received, the Department shall then issue a receipt letter or electronic response specifying that it is complete and that the 60-calendar day review period has started as of the date of receipt of all required information. The Department shall develop an application package checklist identifying the items and information required for an application to be considered administratively complete.

(2) If, during the 60-calendar day technical review period, the Department determines that the application meets the standards for issuance of a new, modified, or transferred mining permit, it shall approve the application.

(3) If, during the 60-calendar day technical review period, the Department determines that additional information is required to continue processing the application, the Department and the applicant shall comply with the following:

a. The Department shall issue a letter or electronic response with a list of the additional information required to issue the permit.

b. The applicant shall have up to 180 calendar days from the date the letter or electronic response is sent to submit the additional information to the Department.

- c. If the applicant is unable to provide the required information within the time frame specified in sub-subdivision b. of this subdivision, the applicant may request, with good cause, that a one-year extension be granted by the Department; if the one year extension granted by the Department is insufficient, the applicant may then request another one-year extension granted by the Mining Commission.
- d. If the applicant fails to provide the required information within 180 calendar days or within any extensions granted by the Department and Commission pursuant to sub-subdivision c. of this subdivision, the Department shall return the application to the applicant, the application is deemed denied, and the applicant must resubmit a complete application with a new application fee before the project may be reviewed.
- e. Upon receipt of the required information from the applicant, the Department shall have 45 calendar days to complete the subsequent technical review and issue the permit, issue the permit with modifications, deny the permit, or issue a letter or electronic response with a list of additional information required to continue processing the application, and the review process will proceed in accordance with sub-subdivision b. or c. of this subdivision, as applicable.
- f. After issuing a letter or electronic response requesting additional information under this subdivision, the Department shall not subsequently request additional information that was not previously identified as missing or required in that additional information letter or electronic response. The Department may, however, request additional information if required for the technical review based on any new information, changed circumstances, or changed designs provided by the applicant in a response provided pursuant to sub-subdivision b. or c. of this subdivision, as applicable.
- g. Where the Department identifies information that should have been requested, the Department may address this information by including conditions in or modifications to the permit upon issuance but shall not deny the permit because of the missing information. This prohibition on permit denial shall not apply where an application was deemed denied under sub-subdivision d. of this subdivision.

...

(d) The Department may deny the permit upon finding:

...

- (7) That the applicant or any parent, subsidiary, or other affiliate of the applicant or parent has not been in substantial compliance with this Article, rules adopted under this Article, or other laws or rules of this State for the protection of the environment or has not corrected all violations that the applicant or any parent, subsidiary, or other affiliate of the applicant or parent may have committed under this Article or rules adopted under this Article and that resulted in:
- a. Revocation of a permit,
 - b. Forfeiture of part or all of a bond or other security,
 - c. Conviction of a misdemeanor under G.S. 74-64,
 - d. Any other court order issued under G.S. 74-64, or
 - e. Final assessment of a civil penalty under G.S. 74-64, [or]

1 ~~f. Failure to pay the application processing fee required under~~
2 ~~G.S. 74-54.1.~~

3 (8) That the applicant failed to pay the application processing fee required by
4 G.S. 74-54.1 within 30 days of receipt of the application by the Department.

5 ...

6 (h) Upon approval of an application, the Department shall set the amount of the
7 performance bond or other security that is to be required pursuant to G.S. 74-54. The operator
8 shall have 60 days after the Department mails a notice of the required bond to the operator in
9 which to deposit the required bond or security with the ~~Department.~~ Department or the permit
10 application will be automatically denied. The operating permit shall not be issued until receipt of
11 this deposit.

12 "

13 **SECTION 22.(d)** This section becomes effective October 1, 2025, and applies to
14 permit applications filed on or after that date.

15
16 **EFFECTIVE DATE**

17 **SECTION 23.** Except as otherwise provided, this act is effective when it becomes
18 law.