

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 339

Short Title: Planned Communities/Amendment of Declaration. (Public)

Sponsors: Senators Apodaca and Rabon (Primary Sponsors).

Referred to: Commerce.

March 19, 2013

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE LAWS REGARDING THE POWERS AND DUTIES OF A
PLANNED COMMUNITY AND AMENDING THE PROCEDURES REGARDING
AMENDMENT OF A RECORDED DECLARATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47F-1-104 reads as rewritten:

"§ 47F-1-104. **Variation.**

(a) Except as specifically provided in specific sections of this Chapter, the provisions of this Chapter may not be varied by the declaration or bylaws. To the extent not inconsistent with the provisions of this Chapter, the declaration, bylaws, and articles of incorporation form the basis for the legal authority for the planned community to act as provided in the declaration, bylaws, and articles of incorporation, and the declaration, bylaws, and articles of incorporation are enforceable by their terms.

...."

SECTION 2. G.S. 47F-2-103 reads as rewritten:

"§ 47F-2-103. **Construction and validity of declaration and bylaws.**

(a) To the extent not inconsistent with the provisions of this Chapter, the declaration, bylaws, and articles of incorporation form the basis for the legal authority for the planned community to act as provided in the declaration, bylaws, and articles of incorporation, and the declaration, bylaws, and articles of incorporation are enforceable by their terms. All provisions of the declaration and bylaws are severable.

...."

SECTION 3. G.S. 47F-2-117 reads as rewritten:

"§ 47F-2-117. **Amendment of declaration.**

...

(d) Any amendment passed pursuant to the provisions of this section or the procedures provided for in the declaration are presumed valid and enforceable.

...."

SECTION 4. Sections 1 and 2 of this act are effective when this act becomes law.

Section 3 of this act becomes effective October 1, 2013, and applies to any amendment of a planned community declaration recorded on or after that date. The remainder of this act is effective when it becomes law.

