



## The Daily Bulletin: 2021-10-19

### PUBLIC/SENATE BILLS

S 336 (2021) [CONDO ACT/RESTITUT'N/MARKET. TITLE ACT CHANGES. \(NEW\)](#) Filed Mar 23 2021, *AN ACT TO REQUIRE CERTAIN INFORMATION TO BE INCLUDED IN DECLARATIONS FOR CONDOMINIUMS PRIOR TO RECORDATION, TO CLARIFY THE APPLICABILITY OF THE NORTH CAROLINA CONDOMINIUM ACT, TO REQUIRE RESTITUTION FOR SEXUAL EXPLOITATION OF A MINOR, AND TO CLARIFY EXEMPTIONS FROM THE MARKETABLE TITLE ACT.*

House committee substitute to the 1st edition makes the following changes.

Organizes the act's content into Parts and adds the following new content.

#### Part II.

Amends GS 47C-1-102, which sets forth the applicability of the North Carolina Condominium Act, as follows. Current law lists specified sections of GS Chapter 47C that apply to condominiums created on or before October 1, 1986, unless their declaration expressly provides otherwise. Now, makes the listed sections of the Chapter apply to condominiums created on or before October 1, 1986, notwithstanding any conflicting provisions in the articles of incorporation, the declaration, or the bylaws, and notwithstanding any references in those documents to GS Chapter 47A (Unit Ownership Act). However, makes GS 47C-1-103 (Definitions) apply to condominiums created on or before October 1, 1986, only to the extent necessary in construing any of the listed sections (previously, also provided that this section did not apply if the declaration expressly provided to the contrary). Eliminates the provisions specifying that the sections listed do not invalidate existing provisions of the declarations, bylaws, or plats or plans of condominiums created on or before October 1, 1986.

Makes conforming changes to GS 47A-2, specifying that the listed sections of GS Chapter 47C made applicable to condominiums formed on or before October 1, 1986, under GS 37C-1-102, as amended, apply to condominiums formed by a declaration creating unit ownership made pursuant to GS 47A-2, which specifically reference GS Chapter 47A. Further states that the provisions of GS Chapter 47C listed in GS 47C-1-102 are not in conflict with GS Chapter 47A.

#### Part III.

Enacts GS 14-190.17B, requiring courts to order restitution for first, second, or third degree sexual exploitation of a minor offenses (set forth in GS 14-190.16, 14-190.17, and 14-190.17A, respectively). Also requires courts to order a defendant who viewed child pornography and has been convicted of first, second, or third degree sexual exploitation of a minor to make restitution. Directs the court to determine the full amount of the victim's losses for costs incurred as a proximate result of the offense, including applicable injuries and damages described in GS 15A-1340.35 (Basis for restitution); medical services relating to physical, psychiatric, or psychological care; physical and occupational therapy or rehabilitation; transportation, temporary housing, and childcare expenses; loss of income; litigation costs; and other relevant losses incurred by the victim. Provides for apportionment when more than one defendant contributed to the losses of the victim. Allows for the defendant to petition the court to amend the order upon showing the victim has received restitution in the full amount of the victim's determined losses. Allows the court to require the victim to provide information for amounts paid in other cases for the same losses. States that the court is not required to order restitution if the victim has not been identified. Provides for the statute to supersede Article 81C, GS Chapter 15A (governing restitution in criminal cases), in case of conflict. Applies to orders for restitution entered on or after December 1, 2021.

#### Part IV.

Effective November 1, 2021, amends GS 47B-3, excepting from marketable record title established under GS Chapter 47B any provisions contained in declarations of covenants applicable to the following: condominiums created under GS Chapters 47A or 47C; cooperatives defined under GS Chapter 47F; and planned communities to which GS Chapter 47F applies, excluding

those in which all lots are restricted exclusively to nonresidential purposes, or those created prior to January 1, 1999, unless governed by an owners' association in existence as of November 1, 2021.

Makes conforming changes to the act's titles.

**Intro. by Daniel.**

GS 14, GS 47A, GS 47B, GS 47C

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing](#)

## ACTIONS ON BILLS

## PUBLIC BILLS

### **H 259: ELECTION INTEGRITY ACT. (NEW)**

*House: Withdrawn From Cal*

*House: Re-ref Com On Rules, Calendar, and Operations of the House*

### **S 183: BEGIN MODERNIZING IGNITION INTERLOCK LAWS.**

*House: Conf Com Appointed*

### **S 336: CONDO ACT/RESTITUT'N/MARKET. TITLE ACT CHANGES. (NEW)**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Rules, Calendar, and Operations of the House*

## No local actions on bills

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