

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2020-3
SENATE BILL 704**

AN ACT TO PROVIDE AID TO NORTH CAROLINIANS IN RESPONSE TO THE
CORONAVIRUS DISEASE 2019 (COVID-19) CRISIS.

The General Assembly of North Carolina enacts:

PART I. ECONOMIC SUPPORT

**WAIVE ACCRUAL OF INTEREST ON DEFERRED PAYMENT OF CORPORATE
INCOME AND FRANCHISE TAX AND INDIVIDUAL INCOME TAX AND EXTEND
CERTAIN TAX-RELATED DEADLINES**

SECTION 1.1.(a) Interest Waiver. – As a result of the COVID-19 outbreak, the Secretary of Revenue has extended the franchise, corporate income, and individual income tax payment deadline from April 15, 2020, to July 15, 2020, and pursuant to G.S. 105-249.2, the Secretary will not assess a penalty for failure to file a return or pay a tax due as long as the return is filed and the tax due is paid by July 15, 2020. Notwithstanding G.S. 105-241.21(b), the Secretary of Revenue shall also waive the accrual of interest from April 15, 2020, through July 15, 2020, on an underpayment of tax imposed on a franchise, corporate income, or individual income tax return, including a partnership and estate and trust tax return, due from April 15, 2020, through July 15, 2020. The relief from accrual of interest from April 15, 2020, through July 15, 2020, also includes interest imposed pursuant to G.S. 105-163.15 and G.S. 105-163.41 for payments due on or before July 15, 2020.

SECTION 1.1.(b) Refund Request. – For franchise, corporate income, and individual income tax, the statute of limitations for obtaining a refund is extended to July 15, 2020, for refund claims for which the statute of limitations to seek a refund expires on or after April 15, 2020, and before July 15, 2020.

SECTION 1.1.(c) Time-Sensitive Actions. – Certain actions required to be taken by a taxpayer on or after April 1, 2020, and before July 15, 2020, will be considered timely if the request or petition is filed on or before July 15, 2020. This subsection applies to requests for Departmental review under G.S. 105-241.11, petitions for a contested case hearing at the Office of Administrative Hearings under Article 3 of Chapter 150B of the General Statutes and G.S. 105-241.15, and petitions for judicial review under Article 4 of Chapter 150B of the General Statutes and G.S. 105-241.16.

SECTION 1.1.(d) This section is effective when it becomes law.

**FLEXIBILITY TO ADMINISTER UNEMPLOYMENT COMPENSATION AND SUTA
TAX CREDIT**

SECTION 1.2.(a) Chapter 96 of the General Statutes is amended by adding a new section to read:

**"§ 96-14.15. Emergency unemployment benefits and tax credit to respond to the
coronavirus emergency of 2020.**

**(a) Benefits Payable. – Unemployment benefits are payable in response to the
coronavirus emergency in any of the following circumstances:**



ADULT GUARDIANSHIP SERVICE

SECTION 4.11.(a) G.S. 35A-1109 reads as rewritten:

"§ 35A-1109. Service of notice and petition.

(a) Copies of the petition and initial notice of hearing shall be personally served on the respondent. Respondent's counsel or guardian ad litem shall be served pursuant to G.S. 1A-1, Rule 4, Rules of Civil Procedure. A sheriff who serves the notice and petition shall do so without demanding his fees in advance. The petitioner, within five days after filing the petition, shall mail or cause to be mailed, by first-class mail, copies of the notice and petition to the respondent's next of kin alleged in the petition and any other persons the clerk may designate, unless such person has accepted notice. Proof of such mailing or acceptance shall be by affidavit or certificate of acceptance of notice filed with the clerk. The clerk shall mail, by first-class mail, copies of subsequent notices to the next of kin alleged in the petition and to such other persons as the clerk deems appropriate.

(b) In the event that personal service is not possible because the respondent resides in a facility that restricts visitors due to a public health emergency, the respondent may be served by the sheriff leaving copies of the petition and initial notice of hearing at the facility with a person employed by the facility who is apparently in charge of the office or who has apparent authority to receive documents intended for residents. The facility employee shall, as soon as practicable, present the copies to the respondent. Proof of service on the respondent shall be by return of service filed with the clerk showing the respondent was personally served or copies were left with the facility as described in this subsection."

SECTION 4.11.(b) This section is effective when it becomes law and expires August 1, 2020.

DISBURSEMENT OF FUNDS PRIOR TO RECORDATION OF DEED IN CERTAIN CIRCUMSTANCES

SECTION 4.12.(a) Chapter 45A of the General Statutes is amended by adding a new section to read:

"§ 45A-4.1. Disbursement during certain declarations of emergency.

(a) Notwithstanding any other provision of this Chapter, in real estate transactions involving a one- to four-family residential dwelling or a lot restricted to residential use, a settlement agent may, in accordance with this section, make disbursement of closing funds prior to recordation of the deeds, deeds of trust, and any other required loan documents in the office of the register of deeds.

(b) No disbursement of closing funds prior to recordation shall be made under this section, unless all the following apply:

- (1) On the date of closing, the office of the register of deeds where the deeds, deeds of trust, and any other required loan documents are to be recorded meets the following criteria:
 - a. Is located within the emergency area under G.S. 166A-19.20.
 - b. Is closed to the public as a result of the declaration of emergency.
 - c. Is unable to accept documents for recording by any method, including in-person or electronic recording.
- (2) The lender's closing instructions authorize disbursement of closing funds prior to recording.
- (3) All parties agree in writing to all the following:
 - a. To waive the requirement of G.S. 45A-4 that the settlement agent shall not disburse closing funds until the deeds, deeds of trust, and any other required loan documents are recorded in the office of the register of deeds.

SECTION 6. Except as otherwise provided, this act is effective when it becomes law. If House Bill 1043, 2019 Regular Session, is vetoed, this act is repealed. If the veto of House Bill 1043, 2019 Regular Session, is overridden, this act is reenacted.

In the General Assembly read three times and ratified this the 2nd day of May, 2020.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:45 a.m. this 4th day of May, 2020



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

NORTH CAROLINA REAL ESTATE COMMISSION

2. Rule citation & name:

21 NCAC 58G .0104 - LIMITED EDUCATION REQUIREMENTS FOR PUBLIC HEALTH EMERGENCY

3. Action:

☒ Adoption

☐ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☒ Yes

☐ No

Effective date: MARCH 26, 2020

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: MARCH 18, 2020

b. Proposed Temporary Rule published on the OAH website: MARCH 23, 2020

c. Public Hearing date: APRIL 15, 2020

d. Comment Period: MARCH 25, 2020 - APRIL 17, 2020

e. Notice pursuant to G.S. 150B-21.1(a3)(2): MARCH 18, 2020

f. Adoption by agency on: MAY 20, 2020

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

☒ A serious and unforeseen threat to the public health, safety or welfare.

☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.

Cite: S.L. 2020-3

Effective date: MARCH 10, 2020

☐ A recent change in federal or state budgetary policy.

Effective date of change:

☐ A recent federal regulation.

Cite:

Effective date:

☐ A recent court order.

Cite order:

☐ State Medical Facilities Plan.

☐ Other:

Explain:

On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. On May 4, 2020, the Governor of North Carolina signed S.L. 2020-3, Section 4.38, that authorized state agencies to exercise regulatory flexibility during the Coronavirus emergency in order to protect the economic well-being of the citizens and businesses of the State.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The public health threat posed by COVID-19 requires immediate action to limit mass gatherings, increase social distancing, and limit exposure of high risk individuals. It is in the public's interest to immediately adopt rules that limit the Commission's regulated audience's exposure to COVID-19 and allow for relaxed requirements during the time of this public health emergency.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

MELISSA A. VUOTTO

Phone:

919-875-3700, EXT. 142

E-Mail:

MELISSA@NCREC.GOV

Agency contact, if any:

ROBERT A. PATCHETT

Phone:

919-875-3700, EXT. 133

E-Mail: ROB@NCREC.GOV

10. Signature of Agency Head*:


* If this function has been delegated (reassigned) pursuant to G.S. 143B-18(a), submit a copy of the delegation with this form.

Typed Name:

JEFFREY MALARNEY

Title:

CHAIRMAN OF THE NORTH CAROLINA REAL ESTATE COMMISSIO

E-Mail: JEFF@DARECOUNTYLAW.COM

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Real Estate Commission

RULE CITATION: 21 NCAC 58G .0104

DEADLINE FOR RECEIPT: Friday, June 12, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Given that the April 30, 2020 date has passed, do you still need (a)?

*How will it be determined how long the extensions granted pursuant to this Rule will last?
Will it be until the expiration of this temporary Rule?*

In (g), how long will this waiver last?

Also, I note that 93A-4.1(c) expires effective July 1, 2020. Is there other authority to add?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609

Amber May
Commission Counsel
Date submitted to agency: Friday, June 4, 2020

21 NCAC 58G .0104 is adopted under temporary procedures as follows:

**21 NCAC 58G .0104 LIMITED EDUCATION REQUIREMENTS FOR PUBLIC HEALTH
EMERGENCY**

(a) Schools and course sponsors shall cancel or suspend all in-person courses until April 30, 2020.

(b) Until June 10, 2020, schools and course sponsors may offer synchronous distance-learning for continuing education courses. Until June 30, 2020, schools and course sponsors may offer synchronous distance-learning for prelicensing and postlicensing courses. "Synchronous distance-learning" means the instructor and students are separated only by distance and not time, allowing for real-time monitoring of student participation.

(c) Schools shall allow students to make-up prelicensing and postlicensing course hours by attending another course of the same type offered by the same school. The make-up hours attended by the student shall be for the same content that the student missed.

(d) An applicant who is unable to take the licensing examination within 180 days pursuant to 21 NCAC 58A .0401 due to illness or the testing service locations being closed shall make a written request using the Commission's website. The Commission shall grant each applicant an extension to take the licensing examination.

(e) A broker requiring an extension of time to complete the 12-hour Broker-in-Charge Course pursuant to 21 NCAC 58A .0110(e) and .1712(b)(5) shall make a written request using the Commission's website prior to the licensee's original 120 day deadline. The Commission shall grant each broker an extension to complete the 12-hour Broker-in-Charge Course.

(f) The Commission shall grant all brokers an extension of time to complete postlicensing or continuing education courses.

(g) The Commission shall waive the prelicensing and postlicensing course examination requirements of 21 NCAC 58H .0210(a)(2), .0210(b)(2) and .0210(c).

History Note: Authority G.S. 93A-3(c); 93A-4.1(c);

Emergency Adoption Eff. March 26, 2020;

Temporary Adoption Eff _____.



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

NORTH CAROLINA REAL ESTATE COMMISSION

2. Rule citation & name:

21 NCAC 58G .0105 - LIMITED INSTRUCTOR EDUCATION REQUIREMENTS FOR PUBLIC HEALTH EMERGENCY

3. Action: ☒ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☒ Yes ☐ No **Effective date:** MARCH 26, 2020

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: MARCH 18, 2020
- b. Proposed Temporary Rule published on the OAH website: MARCH 23, 2020
- c. Public Hearing date: APRIL 15, 2020
- d. Comment Period: MARCH 25, 2020 - APRIL 17, 2020
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): MARCH 18, 2020
- f. Adoption by agency on: MAY 20, 2020
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2020-3
Effective date: MARCH 10, 2020
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. On May 4, 2020, the Governor of North Carolina signed S.L. 2020-3, Section 4.38, that authorized state agencies to exercise regulatory flexibility during the Coronavirus emergency in order to protect the economic well-being of the citizens and businesses of the State.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The public health threat posed by COVID-19 requires immediate action to limit mass gatherings, increase social distancing, and limit exposure of high risk individuals. It is in the public's interest to immediately adopt rules that limit the Commission's regulated audience's exposure to COVID-19 and allow for relaxed requirements during the time of this public health emergency.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

MELISSA A. VUOTTO

Phone:

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10. Signature of Agency Head*:


* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

JEFFREY MALARNEY

Title:

CHAIRMAN OF THE NORTH CAROLINA REAL ESTATE COMMISSIO

E-Mail: JEFF@DARECOUNTYLAW.COM

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Real Estate Commission

RULE CITATION: 21 NCAC 58G .0105

DEADLINE FOR RECEIPT: Friday, June 12, 2020

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

I'm a bit confused as to the overall intent of this Rule. I note that 21 NCAC 58H .0306(b)(4) requires proof of attendance of at least 6 hours of instructor courses. Is this Rule intended to essentially provide an extension of the CE requirements until June 30, 2020?

Also, I note that 93A-4.1(c) expires effective July 1, 2020. Is there other authority to add?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Friday, June 4, 2020

21 NCAC 58G .0105 is adopted under temporary procedures as follows:

**21 NCAC 58G .0105 LIMITED INSTRUCTOR EDUCATION REQUIREMENTS FOR PUBLIC
HEALTH EMERGENCY**

Instructors shall not be required to comply with 21 NCAC 58H .0306(b)(4) prior to June 30, 2020, to renew instructor approval.

*History Note: Authority G.S. 93A-3(c); 93A-4.1(c);
Emergency Adoption Eff. March 26, 2020;
Temporary Adoption Eff _____.*