A BILL TO BE ENTITLED
AN ACT TO AMEND LAWS RELATING TO OCEAN SETBACKS TO PROTECT THE
PROPERTY RIGHTS OF HOMEOWNERS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 7 of Chapter 113A of the General Statutes
and rules adopted pursuant to that Article, the Department of Environment and Natural
Resources shall not deny a development permit for the repair or reconstruction on its original
footprint of any residential structures with total floor area greater than 5,000 square feet and
constructed prior to August 11, 2009, when the basis for the denial is the setback requirements
set forth in 15A NCAC 7H .0306(a).

SECTION 2. Rule-Making Authority. – No later than October 1, 2011, the Coastal
Resources Commission shall adopt temporary rules consistent with the provisions of Section 1
of this act. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission pursuant to
this section shall be substantively identical to the provisions of Section 1 of this act. The
temporary rule shall remain in effect until a permanent rule that replaces the temporary rule
becomes effective.

SECTION 3. This act is effective when it becomes law.