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## Coates' Canons Blog: Disaster Recovery Legislation Imposes Building Permit and Inspection Fee Moratorium Effective NOW

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By a unanimous vote in both chambers on Monday evening (October 15<sup>th</sup>), the General Assembly quickly approved and Governor Cooper signed legislation appropriating almost four hundred million dollars in disaster relief for communities and individuals impacted by Hurricane Florence. The full text of Senate Bill 3 (SB3), the 2018 Hurricane Florence Disaster Recovery Act, is available here, and the accompanying committee report detailing the disaster relief line item appropriations is available here. Governor Cooper's Hurricane Florence Recovery Recommendations Report is available here. Not only did SB3 appropriate funds for a variety of disaster relief programs, the legislation also reserved an additional four hundred million dollars in the Hurricane Florence Disaster Recovery Fund for disaster assistance that the legislature may take action on when it reconvenes on November 27<sup>th</sup>. Of particular interest to city and county planning and zoning officials and building inspectors is a moratorium on building permit, inspection, and certificate of occupancy fees in declared jurisdictions for projects related to Hurricane Florence damage.

In addition to appropriating disaster relief funds, Section 5.16 of SB3 imposes a moratorium on fees associated with permits, inspections, or certificates of occupancy for any commercial or residential projects involving construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of manufactured homes, buildings, dwellings or other structures damaged as a direct result of Hurricane Florence. The moratorium applies to fees charged by the NC Department of Insurance as well as cities and counties designated under a Hurricane Florence major Presidential disaster declaration. For cities and counties not covered under a Florence Presidential disaster declaration, the moratorium does not apply. Even in declared jurisdictions, the moratorium does not apply to projects not directly related to damage resulting from Hurricane Florence.

SB3 imposed the building and inspection fee moratorium *retroactive to September 13, 2018*, and extends the moratorium until December 31, 2018. Individuals already charged a fee for building permits, inspections, or certificates of occupancy *on or after* September 13<sup>th</sup> for repair or demolition work described above directly related to Hurricane Florence in declared jurisdictions are entitled to a refund of that fee. The Department of Insurance, and cities and counties covered under a Florence declaration are required to post a notice of the availability of the refunds on their websites.

### Links

- [www.ncleg.net/Sessions/2017E3/Bills/Senate/PDF/S3v5.pdf](http://www.ncleg.net/Sessions/2017E3/Bills/Senate/PDF/S3v5.pdf)
- [www.ncleg.net/DocumentSites/Committees/SenateAppropriationsBaseBudget/2018%20Special%20Session/2018\\_10\\_15%20Meeting/Florence\\_Approps\\_2018.pdf](http://www.ncleg.net/DocumentSites/Committees/SenateAppropriationsBaseBudget/2018%20Special%20Session/2018_10_15%20Meeting/Florence_Approps_2018.pdf)
- [files.nc.gov/ncosbm/documents/files/Florence\\_Report\\_Full.pdf](http://files.nc.gov/ncosbm/documents/files/Florence_Report_Full.pdf)
- [www.fema.gov/disaster/4393](http://www.fema.gov/disaster/4393)