

Property, Trusts, and Estates

See full summary documents for additional detail

Hotel Safety Issues.

SL 2023-5 (S53)

S.L. 2023-5 provides that rental of an accommodation by an inn, hotel, motel, recreational vehicle park, campground, or similar lodging to the same person for fewer than 90 consecutive days does not create a tenancy or a residential tenancy subject to Chapter 42 of the General Statutes.

The act became effective March 19, 2023, and applies to a person renting an accommodation in an inn, hotel, motel, recreational vehicle park, campground, or similar lodging facility. The rental period is calculated from the first day of consecutive occupation or right of occupation in the lodging facility, regardless of whether that day is before the effective date of this act.

Modifications to Notary Public Act.

SL 2023-57 (S552)

S.L. 2023-57 does the following:

- Extends the authority for emergency video notarizations and emergency video witnessing to June 30, 2024.
- Delays the effective date for authority for remote electronic notarizations until July 1, 2024.
- Authorizes a registered electronic notary public to also perform remote electronic notarial acts.
- Makes additional conforming changes to the Electronic Notary Public Act, Article 2 of Chapter 10B of the General Statutes.

This act has various effective dates. Please see the full summary for more details.

Safety Requirements for Elevators.

SL 2023-68 (H608)

S.L. 2023-68 amends elevator safety requirements for certain rental accommodations and requires the Building Code Council to amend the North Carolina State Building Code accordingly.

Section 1 of the act becomes effective June 30, 2024. The remainder of the act became effective June 30, 2023. Section 2 of the act expires on the date that the rules adopted by the Building Code Council pursuant to that section become effective.

Unclaimed Property Division Changes.

SL 2023-88 (H181)

S.L. 2023-88 allows holders of unclaimed property to authorize a third party to send the notice and file the reports required under state law. It also changes reporting and notice requirements for unclaimed property and makes technical changes to the unclaimed property statutes. Finally, it amends the amount of filing fees immediately due when filing an affidavit to collect personal property in an estate administration.

The provisions of this act dealing with estate administration fees became effective January 1, 2024. The remainder of the act became effective July 10, 2023.

Unfair Real Estate Agreements Act.

SL 2023-117 (H422)

S.L. 2023-117 does the following:

- Prohibits unfair real estate service agreements.
- Prohibits the recording of unfair real estate service agreements.
- Provides remedies for owners harmed by the recording of unfair real estate service agreements

This act became effective August 24, 2023, and applies to unfair real estate service agreements that are executed, modified, extended, or amended on or after that date.

Estates and Trusts Changes.

SL 2023-120 (S218)

Part I of S.L. 2023-120 makes changes related to the yearly allowance for a spouse and child of a decedent as follows:

- The procedure for requesting a year's allowance.
- Eliminating the use of magistrates.
- Funding the surviving spouse's yearly allowance is given priority over pro-rata funding shared with minor children.
- The children's yearly allowance is limited to children under 21, the amount is increased to ten thousand dollars (\$10,000), and the priority for who can receive the allowance on behalf of the child(ren) is to be reordered.
- Assets recovered by the personal representative for payment of claims of decedent's creditors or debts of the estate is used to pay the yearly allowance of a spouse and child prior to paying other claims.

Part II of S.L. 2023-120 amends G.S. 31-5.4 to change the treatment of a former spouse in estates by treating the former spouse as having predeceased the testator when the testator did not

remove the former spouse from their will unless a contrary intent is expressly included in the will or through subsequent actions such as remarriage or execution of additional documents. G.S. 36C-6-606 is also amended to make technical and conforming changes to align with the proposed language of G.S. 31-5.4.

Sections 1.2 and 1.3 are effective March 1, 2024, and apply to decedents dying on or after that date. Sections 2.1 and 2.2 are effective March 1, 2024, and apply to wills probated on or after that date. Except as otherwise provided, S.L. 2023-120 is effective March 1, 2024.

Adoption Law/Notary Changes/Guardianship Rights.

SL 2023-124 (S615)

S.L. 2023-134 made the following changes:

- Section 1 of S.L. 2023-124 allows a former stepparent to adopt an adult adoptee.
- Section 2 of S.L. 2023-124 modifies the law related to the redaction of certain information from a preplacement assessment.
- Section 3 of S.L. 2023-124 expands the acknowledgment options related to agency relinquishments for adoption.

Increase the Total Appraised Value of All Real Estate Prizes Offered During a Calendar Year by a Nonprofit Organization as a Part of a Raffle – Regulatory Reform Act of 2023.

SL 2023-137 (H600), Sec. 47

Section 47 of S.L. 2023-137 allows a nonprofit organization to conduct up to five raffles per year, repeals the maximum real property prize value of \$500,000 per raffle, and imposes a cap on total appraised value of all real property prizes offered in a single year to \$2.25 million.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023, and applies to raffles conducted on or after that date.