

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 114

Short Title: Home Ownership Market Manipulation. (Public)

Sponsors: Representative Alexander.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Commerce, if favorable, Rules, Calendar, and Operations of the House

February 15, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT HOUSING MARKET MANIPULATION AND TO PROTECT
3 AGAINST ARTIFICIAL INFLATION BY EXCESSIVE HOME BUYING BY ENTITIES
4 PURCHASING HOMES FOR USE AS RENTAL PROPERTIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 75 of the General Statutes is amended by adding a new Article
7 to read:

8 "Article 9.

9 "Housing Market Manipulation.

10 "**§ 75-150. Purpose.**

11 (a) The General Assembly finds that North Carolina has experienced urban growth at
12 levels significantly higher than many states. The General Assembly does not wish to inhibit the
13 ownership of property but recognizes that it is becoming increasingly common for business
14 entities to purchase substantial numbers of single-family homes for use as rental properties, both
15 lowering the supply of, and increasing the costs of, such homes. The General Assembly further
16 finds that home ownership is recognized as one of the most reliable ways to build wealth,
17 permitting owners to build equity, which can serve as reserves in times of need, and in terms of
18 passive income and increases in market value of owned property.

19 (b) The General Assembly seeks, by this narrowly tailored Article, to balance the
20 interests of building wealth through the use of business entities acquiring properties for rental
21 purposes against the State, local, and individual economic benefits that result from having a
22 citizenry broadly engaged in and accruing the advantages attendant to home ownership.

23 "**§ 75-151. Definitions.**

24 The following definitions apply in this Article:

- 25 (1) Affiliate. – A person, other than an individual, that wholly or substantially
26 owns, is wholly or substantially owned by, or is under common ownership
27 with another person.
28 (2) Individual. – A human being.
29 (3) Person. – A fiduciary, a firm, an association, a partnership, a limited liability
30 company, a corporation, or other business entity or group acting as a unit. The
31 term includes an officer or employee of a corporation, a member, a manager,
32 or an employee of a limited liability company, and a member or employee of
33 a partnership who, as officer, employee, member, or manager, acts on behalf
34 of the business entity with whom they are associated or an affiliate of that
35 business entity. The term does not include governmental entities.



- 1 (4) Qualifying county. – A county with a population greater than 150,000 as of
2 the most recent decennial census.
3 (5) Single-family home. – A residential structure that is either a fully detached or
4 semi-detached building or that is a row or town home that (i) is separated from
5 the adjacent unit by a ground-to-roof wall, (ii) does not share heating or
6 air-conditioning systems or utilities, and (iii) does not have units located
7 above or below.

8 **"§ 75-152. Impermissible ownership quotas.**

9 It is unlawful for a person, including affiliates of the person, to purchase a single-family home
10 in a qualifying county for a purpose other than use by the person as a residence if the person,
11 including affiliates of the person, owns 100 or more single-family homes in qualifying counties
12 that are used primarily for rental purposes.

13 **"§ 75-153. Enforcement; remedies; damages.**

14 (a) The Attorney General shall have the same authority under this Article to make rules,
15 conduct civil investigations, bring civil actions, and enter into assurances of discontinuance as
16 provided under this Chapter. In an action brought by the Attorney General pursuant to this
17 section, the court may award or impose any relief available under this Chapter.

18 (b) A person aggrieved by a violation of this Article or by a violation of rules adopted
19 under this Article or the board of county commissioners of the county in which such person lives
20 may bring an action in superior court against a person who acquires a single-family home in
21 violation of this Article. A court may impose civil penalties on a person found to violate this
22 Article of up to one hundred dollars (\$100.00) per day for each single-family home acquired in
23 violation of this Article and may award to a plaintiff who prevails in an action brought pursuant
24 to this subsection one or more of the following remedies:

- 25 (1) Equitable relief.
26 (2) Damages.
27 (3) Costs and fees, including reasonable attorneys' fees.
28 (4) Exemplary damages in an amount equal to fifty thousand dollars (\$50,000) or
29 three times the total of damages, costs, and fees, whichever is greater.

30 (c) A court may award to a defendant who prevails in an action brought pursuant to this
31 section costs and fees, including reasonable attorneys' fees, if the court finds the action was not
32 well-grounded in fact and warranted by existing law or was interposed for any improper purpose,
33 such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

34 (d) Joinder of Interested Parties. – In an action arising under subsection (a) or (b) of this
35 section, the court shall grant a motion by the Attorney General or a board of county
36 commissioners or a person aggrieved under this Article for joinder of any affiliate of a defendant
37 named in the litigation for purposes of (i) ensuring a proper accounting regarding the total number
38 of single-family homes owned by the named defendant and any affiliates and (ii) permitting
39 proper enforcement, remedies, and damages.

40 (e) If a party is unable to pay an amount awarded by the court pursuant to subsection (a)
41 or (b) of this section, the court may find any interested party joined pursuant to subsection (d) of
42 this section jointly and severally liable for violations of this Article and make the award
43 recoverable against any or all of the joined interested parties.

44 (f) This Article shall not be construed to limit rights and remedies available to the State
45 of North Carolina or to any person under any other law and shall not alter or restrict the Attorney
46 General's authority under this Article with regard to conduct involving assertions of violations of
47 this Article."

48 **SECTION 2.** This act is effective when it becomes law and applies to purchases of
49 real estate on or after that date.