Legislative Policy Statement
INTRODUCTION

NC REALTORS® is a professional organization representing more than 42,000 dedicated and committed real estate practitioners. NC REALTORS® is dedicated to the protection of private property rights and the furtherance of high ethical and professional standards.

NC REALTORS® strongly believes in the participation of a REALTOR® as a catalyst in the most significant investment present and future property owners will make. To continue this belief, NC REALTORS® has supported efforts to protect the rights of property owners, to promote affordable housing, and to provide resources to guarantee every citizen the right to share in the American dream.

NC REALTORS® strongly support the concept and provision of affordable housing for all income levels. The Association recognizes and advocates the necessity of each community to address and provide equitable housing solutions for its residents.

NC REALTORS® strongly supports the concept and provision of professional services and safe places to live for all persons. REALTORS® will not deny their real estate services, nor will they base employment decisions, on a person’s race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity.

The purchase of a home is more than the simple purchase of housing; it includes the hopes, dreams, aspirations, and economic destiny of those involved.

NC REALTORS® supports and develops new ways to involve REALTORS® and consumers in strong levels of community involvement through action, education and consumer outreach.

NC REALTORS® serves as the voice of real estate in North Carolina. We pledge our support in providing solutions to problems facing our State and our community.

To fulfill our goals we believe in the following Quality of Life Principles:

1. **Protect Property Owners** – The United States and North Carolina Constitutions recognize and protect the natural right to own property. REALTORS® hold steadfast that private property rights are a foundation upon which our nation was born and are central to a free-market economy.

2. **Promote Housing Affordability** – Essential to our system of values is homeownership, the cornerstone of the American Dream. We believe that every citizen has the right to safe, affordable housing, whether it is in an urban, suburban or rural setting.

3. **Build Better Communities Sensibly** – Communities flourish when common-sense guidelines are followed, ensuring a high quality of life at a reasonable cost. We encourage broad-based taxation to support infrastructure (roads, water, sewer, etc.) that accommodates quality residential, commercial and industrial growth in an environmentally sensitive manner.

4. **Ensure Economic Vitality** – A strong, healthy economy sustains the communities in which we live and work. It results from steady and strategic residential, commercial and industrial growth. Economic development spurs new opportunities, creates jobs, increases the tax base and invigorates communities.

5. **Embrace Community Values** – We believe that leading a happy, healthy and prosperous life begins at home. It is not only how we conduct ourselves, but also how we treat family, friends and neighbors. A positive home environment breeds respect and success in the workplace and in the communities in which we live.
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ECONOMIC DEVELOPMENT

NC REALTORS® know the direct correlation between economic development and a thriving real estate industry. As North Carolina continues to grow and attract investment from around the world, NC REALTORS® is a key part of the conversation. NC REALTORS® is increasing their focus on helping promote North Carolina both domestically and internationally to garner more investment and bring jobs to the state. REALTORS® know their communities better than anyone and know how to be the best advocates for their regions.

NC REALTORS® will continue to advocate for economic development funding and will continue to support the Economic Development Partnership of North Carolina.

| ISSUE | North Carolina needs jobs all over the state as we continue to have very poor communities. The discussion at the General Assembly to bridge this gap and bring jobs and investment to all parts of the state is important to REALTORS® across the state. |
| POSITION | NC REALTORS® advocate for ways to assist low wealth areas of the state to develop while continuing to assist metropolitan areas in their growth. Mechanisms to bridge this gap must not unjustly hinder one or the other but work to promote the entire state and its citizens. |

EDUCATION

Throughout our history, North Carolina has been consistently recognized as an education leader. From the founding of the nation’s first public university system to a robust community college system and ever-growing K-12 systems across the state, education is the foundation for growth and prosperity in our state. At every level, education remains a key priority for REALTORS® because we understand the value that it plays in decisions by buyers to locate in a specific area, as well as the long-term health and sustainability of communities.

| ISSUE | It is important that North Carolina’s education system remain robust and competitive and is supported at the state and local levels to ensure community sustainability and future economic growth. As policy decisions are made at each level, it is important that funding does not place unfair burdens on property owners. |
| POSITION | NC REALTORS® recognize that a strong education system benefits our communities and supports long-term economic growth. As many decisions regarding the characteristics and operations of education authorities are made at the local level, it is important for REALTORS® to be engaged in the activities and discussions of local school boards. Additionally, REALTORS® should work with education advocacy organizations at the state and local level to ensure that the real estate industry concerns and voice is heard in their work. |

ENVIRONMENT

NC REALTORS® is committed to preserving the environmental integrity of our natural resources while protecting and maintaining the private property rights of our citizens. NC REALTORS® is a strong advocate of safeguarding our environment and natural resources, as they are elements that will assure continued growth and prosperity throughout the State. We believe that these efforts must be reasonable, economically feasible and fair to property owners and the community at large.

BEACH NOURISHMENT

Three hundred-twenty miles of eastern North Carolina lies along the Atlantic coast. Each year, millions of people visit NC beaches spending billions and generating hundreds of millions in tax receipts for state, county, and municipal governments. Beaches and beach-related businesses employ tens of thousands of North Carolinians and contribute billions to our state economy.
### ENERGY EFFICIENCY AND AUDITS

**ISSUE:** Some groups advocate for mandatory point of sale energy audits and improvements to the heating and cooling system, windows, insulation or lighting of a home or commercial property.

**POSITION:** NC REALTORS® support reasonable and cost-effective approaches and incentives to improving energy efficiency but does not support point of sale energy audits or energy labeling. These would drastically slow down the property transaction and unnecessarily stigmatize property. We do support reasonable, incentive-based approaches to reduce energy use and greenhouse gas production that are guided by the market, protective of private property rights and maintain real estate affordability. The Association also supports educating property owners and consumers about the many benefits of energy efficiency.

### GROWTH MANAGEMENT

Although the intent of growth management may be to improve quality of life, unreasonable growth restraints can thwart economic development and increase the cost of housing to unaffordable levels, locking out many potential residents. Government growth planning activities may also impose restrictions on the use of private property.

**ISSUE:** Various growth management initiatives have been developed or are under consideration by federal, state and local governments. These strategies include open space preservation, urban growth boundaries, building moratoria, development disincentives and growth management studies.

**POSITION:** NC REALTORS® realize the responsibility we have to educate and work with local, state, and federal government officials in developing responsible growth planning that is equitable, market driven and should consider the divergent needs of transportation, housing, agriculture, commercial, industrial, and environmental concerns. Any regional growth planning activities should be incentive based and also take into account that property restrictions should balance with Constitutionally guaranteed property rights.

### PRIVATE WELLS

**ISSUE:** Legislation continues to be contemplated that would require private wells be tested prior to the transfer of real property. Such legislation has called for tests to be performed prior to closing and that the buyer and seller certify, in writing, that they have received and read the results. The legislation would also require rental property supplied through a private well be tested every three years and a copy of the most recent results be provided to a new lessee prior to execution of a rental agreement.

**POSITION:** NC REALTORS® oppose the requirement that private wells be tested prior to closing, rental, or within a certain timeframe. Absent evidence of contamination, there should be a presumption that the previously approved wells continue to provide safe drinking water. The imposition of testing requirements add unnecessary cost and time consuming delays in transactions. These can be further exacerbated by chronic lab capacity issues.

### TREE ORDINANCES

Tree ordinances increase the cost of housing, add more government, and increase restrictions on private property rights.
**ISSUE:** Municipalities across the state are imposing strict tree ordinances.

**POSITION:** NC REALTORS® oppose efforts to create strict tree ordinances in municipalities of North Carolina, and also discourages those local governments from “borrowing” regulations from neighboring jurisdictions without considering the unique ecological, climatic and topographic conditions of their jurisdiction.

### HOUSING ISSUES

#### GARNISHMENT OF WAGES FOR NONPAYMENT OF RENT

There are situations where tenants leave without paying rent or refuse to pay rent. Obtaining a judgment for the lost rent is very costly. Other tenants end up paying for those delinquent rents with higher rental payments to offset these losses. Garnishment of wages will allow landlords to collect rent due from delinquent tenants and will keep the cost of housing down.

**ISSUE:** Garnishment of wages is a reasonable way to collect rent due from tenants who are delinquent in their rental payments.

**POSITION:** NC REALTORS® support efforts to allow the garnishment of wages for back rent.

### HOUSING APPROPRIATIONS

This proven program needs much more money and a dependable source of revenue to meet the overwhelming need for affordable homes for working families, the elderly, and persons with special needs.

**ISSUE:** More than 2 million North Carolina low-income households lack safe, decent or affordable housing. The dream of owning a home remains just that for millions of families. The NC Housing Trust Fund is meeting the challenge, but the resources fall far short of the need. A substantial commitment of recurring funds for the NC Housing Trust Fund will help make the dream of homeownership a reality for more North Carolinians.

**POSITION:** NC REALTORS® strongly support the efforts of the NC Housing Trust Fund and will continue working to help them obtain recurring Appropriation through the North Carolina General Assembly.

### HOUSING OPPORTUNITIES

NC REALTORS® believe that equal opportunity in housing can be achieved through continued leadership, observance of the law, education, and mutual cooperation. REALTORS® is a visible advocate for the right of all people to freely choose where they will live without regard to race, color, religion, sex, handicap, familial status, national origin, or any other factor prohibited by federal or state law. NC REALTORS® support legislative and regulatory public policy initiatives that will address everything from homelessness to homeownership.

Every position taken by NC REALTORS® will reflect its commitment to housing opportunities for all.
**INCLUSIONARY ZONING**
The deed restrictions and resale price controls included in inclusionary zoning ordinances restrict the realization of a reasonable profit on the resale of houses by homeowners, artificially limiting the equity that they can acquire in the property. An inclusionary zoning ordinance is effectively a tax on developers and their customers. Furthermore, the costs of implementing these ordinances are high for local governments and the programs are generally not effective.

<table>
<thead>
<tr>
<th>ISSUE:</th>
<th>NC REALTORS® is committed to maintaining a leadership role in support of initiatives that will keep safe and decent housing choices available and affordable.</th>
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<tr>
<td>POSITION:</td>
<td>NC REALTORS® support initiatives at the local, state and federal level including the following:</td>
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<td></td>
<td>• The elimination of substandard housing through aggressive enforcement of local building codes.</td>
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<td>• Local zoning classifications for all housing types.</td>
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<td></td>
<td>• Expedited approval and inspection processes, simplified regulations and reduced fees to save time and cost in development and construction.</td>
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<td>• Development incentives, including meaningful increased residential density bonuses.</td>
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<td>• Incentives and zoning classifications that allow for and encourage development.</td>
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<td>• Legislation to allow for simplified rehabilitation of existing buildings.</td>
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<td>• Commercial and residential development incentives for adaptive reuse.</td>
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<td>• Brownfields legislation to reduce landowner liability and promote redevelopment of urban areas.</td>
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<td></td>
<td>• Local public, private, and joint rehabilitation/repair programs for low-income homeowners, including senior citizens on fixed-incomes.</td>
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<td>• Federal housing assistance programs, including Section 8 rental and ownership programs.</td>
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<td>• Federal multi-family as well as single-family rental housing development tax credits.</td>
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**OWNERS’ ASSOCIATIONS**
Owners’ associations are increasingly more prevalent because they provide benefit to property owners by enhancing their quality of life and the enjoyment of their property. However, we are hearing increased instances of mismanaged owners’ associations negatively affect the current owners or renters and the overall market for those properties. Owners’ associations also have control over many functions necessary for the use and enjoyment of property within the boundaries of the owners’ association. Thus, it is important to ensure owners’ associations are ethical, professional and fiscally sound to ensure the marketability of the property.

| ISSUE: | These ordinances tie development approval to the inclusion of low and moderate-income housing as a part of a proposed development. The ordinances can require up to 15% of the development be low and moderate-income housing. This practice is not authorized under North Carolina Statutes and any requirements are being enforced illegally. |
| POSITION: | While the stated need for implementation is affordable housing, inclusionary zoning has the opposite effect. NC REALTORS® actively promote affordable housing. However, we oppose inclusionary zoning ordinances because this practice places an unfair financial burden on developers. These ordinances increase the cost of housing and therefore negatively affect affordability. |

**REGISTRATION OF RENTAL PROPERTY**
Several municipalities passed ordinances requiring all residential rental property to be registered with the city. Some of these ordinances include excessive fees for registration.
SHORT-TERM RENTALS

**ISSUE:** Many municipalities required residential rental property to be registered.

**POSITION:** NC REALTORS® supported enacted legislation in 2016 that placed strict restrictions on municipalities imposing rental registration. This legislation must be protected as municipalities try to find new methods to register residential rental property and/or charge a fee. This government intervention increases the cost of housing and discourages property owners from providing housing to families.

SHORT-TERM RENTALS

**ISSUE:** Municipalities across the state are looking at ways to limit short term rentals due to the surge in residential areas by the increased use of facilitators such as Air B-n-B.

**POSITION:** NC REALTORS® advocate for the private property rights of homeowners to rent their properties. NC REALTORS® also represent property managers and short-term rentals through these facilitators should be operating on the same playing field by ensuring remittances of appropriate taxes and fees required by state and local governments.

INSURANCE

**FLOOD INSURANCE**
The National Flood Insurance Program (NFIP) provides up to $250,000 of flood insurance coverage where required for a federally backed mortgage in 22,000 communities nationwide. It also provides an alternative to taxpayer-funded disaster assistance, which averages $5,500 per household but more often means an SBA loan that must repaid with any underlying mortgage. While there is a growing market for private flood insurance, for many, the NFIP continues to be the primary source of asset protection against flooding, the most common and costly natural disaster in the United States.

**ISSUE:** As currently structured, the NFIP is not financially sustainable over the long run. According to the Congressional Budget Office, the program is not charging enough in premiums to cover expected claims in catastrophic loss years, and has already borrowed over $30 billion from taxpayers to make up the difference.

**POSITION:** NC REALTORS® support a strengthened NFIP coupled with a robust private market to offer choices and maintain access to flood insurance in all markets at all times. These include researching state options not currently allowed.

**HEALTH INSURANCE**
While significant changes have been made on the federal level related to access to coverage for association members and independent contractors, additional changes are still needed at the state level to make it a reality for NC REALTORS®.

**ISSUE:** As independent contractors, most REALTORS® have to purchase health insurance on the open market. This is very expensive and our members need better options.

**POSITION:** NC REALTORS support the authorization of more options to the health insurance marketplace that create better and more economical plans for independent contractors and small employers.

**PROPERTY AND CASUALTY INSURANCE**
Mold, hurricanes, terrorism, forest fires and mudslides are a few of the reasons insurance companies are losing profits.
NC REALTORS® strongly support stable and upward growth for the real estate industry. Without continued growth, local communities and the State economy will suffer. Therefore, NC REALTORS® oppose all legislation that will jeopardize or impede the vibrancy of the real estate industry in North Carolina. Furthermore, the real estate industry should not be viewed as a source of revenue capable of addressing various state and local government interests, but rather should be viewed as an economic engine that will lead state and local economies.

**APPOINTMENTS TO REGULATORY BODIES**

Many regulatory bodies, such as the Environment Management Commission, pass rules that have a huge impact on the real estate industry. It is important that these regulatory entities have representation from organizations that they greatly affect. For example, the governor chooses one member of the North Carolina Home Inspector Licensure Board upon the recommendation of NC REALTORS®.

**ISSUE:** Many regulatory bodies do not include NC REALTOR® representation.

**POSITION:** NC REALTORS® recommend legislation to require REALTOR® representation on regulatory agencies that affect the real estate industry. NC REALTORS® encourage government leaders to appoint REALTORS® to boards and commissions whenever possible.
COMMERCIAL BROKER LIEN ACT
REALTORS® in the commercial arena have increasingly encountered situations where they have performed services for clients under valid listing contracts only to realize at closing the agreed upon commission for duties performed may not be paid. A broker unable to collect the commission does not have an adequate remedy, except a legal suit, to collect the funds earned. The broker who enhances the commercial real property by rendering a valuable service should be able to receive payment for services rendered.

| ISSUE: | Commercial real estate brokers have an increased need for the protection of their commissions. |
| POSITION: | NC REALTORS® remain committed to the law giving real estate brokers the right to place a lien on commercial property when they do not receive their full commission for services rendered. |

REAL ESTATE AGENT INDEPENDENT CONTRACTOR STATUS
The real estate industry is unique and must maintain the option of using Independent Contractors. Workers’ compensation is an issue which has been decided. Debate has continued for years on the issue of mandatory workers’ compensation for real estate independent contractors. The North Carolina Industrial Commission ruled in one case that the real estate agent is an “employee” and should have workers’ compensation coverage. To help elevate this financial burden to the owners of real estate firms, NC REALTORS® supported the passage of legislation in 1995 that allows the broker to pass the cost of the coverage to the agent.

| ISSUE: | Most real estate agents serve as independent contractors to the firms with which they are associated. Recent litigation is challenging that practice nationwide. |
| POSITION: | NC REALTORS® recommend legislation that would allow real estate agents to serve as true independent contractors and eliminate any requirement to have workers’ compensation insurance. |

TAXES AND FEES
NC REALTORS® strongly support efforts by local and state government officials to reduce the tax burden of the citizens of North Carolina. We believe in sound fiscal management in the form of expenditure controls coupled with selective tax reform.

NC REALTORS® recognize that one segment of industry, business, or property owners, should be saddled with additional tax burdens. We continue to work with state and local officials on alternatives to property tax increases or real estate related taxes.

HISTORIC TAX CREDITS
Preserving the Historic Preservation Tax Credit program is essential to ensuring that our state’s historic properties are preserved and restored to their former glory for valuable use. These credits serve a very specific purpose which keeps the communities bringing people to our state intact. Historic tax credits make a rural area more attractive for company and job location which has revitalized many of our communities.

| ISSUE: | The program is scheduled to sunset in 2020 and needs to be reauthorized to ensure future access. |
| POSITION: | NC REALTORS® support the continuation and expansion of historic preservation by eliminating the sunset of the current tax credits and allowing for residential preservation tax credits. |

IMPACT FEES AND TAXES
Often local governments require developers to pay for capital improvements that are not directly related to the new development. Builders merely pass the cost of impact fees and taxes on to the buyers. It is unfair to tax one segment of the community to pay for services or infrastructure that benefits the entire community.

Perhaps most importantly, impact fees and taxes raise the cost of real estate and reduce the number of people who can qualify for a home.
**ISSUE:** Impact fees and taxes are charged on new development fee that is imposed by a local government to pay for the costs of providing public services to the new development. Impact fees and taxes are charges on new development to pay for the construction or expansion of offsite capital improvements.

**POSITION:** NC REALTORS® oppose impact fees and impact taxes.

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**IRS CODE §1031 - LIKE-KIND EXCHANGES**

Current law allows an investor in real estate to defer capital gains taxed on exchanging an investment property for another property of like kind that is also held for investment while adhering to numerous requirements and that the purchase of the replacement property was within 180 days of the transfer of the previous property.

**ISSUE:** Tax reform which eliminates the use of 1031 like-kind exchanges that would have a detrimental effect on the real estate industry and limit investment.

**POSITION:** NC REALTORS® strongly support the inclusion of like-kind exchanges in the NC tax code as a way to promote investment in real estate in North Carolina and across the country.

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**LAND TRANSFER TAXES**

Real estate transfer taxes are discriminatory since they are directed at only one segment of the population. In addition, real estate transfer taxes are an unstable and unpredictable source of revenue. Because home sales are cyclical, when a downturn in the housing market occurs transfer tax revenues fall, creating pressures for a tax increase. Increasing the cost of purchasing a home would have a devastating effect on the industry and would be detrimental to the local economy.

**ISSUE:** Each year, the North Carolina General Assembly considers several local and statewide land transfer tax bills that would tax North Carolina property owners when they sell their property.

**POSITION:** NC REALTORS® opposes any land transfer tax.

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**MORTGAGE INTEREST AND PROPERTY TAX DEDUCTION**

**ISSUE:** In 2013, the General Assembly placed a cap on the mortgage interest and property tax deduction of $20,000 and decoupled the deduction from the federal tax status. There is still a push for the elimination of the deduction from the General Assembly.

**POSITION:** NC REALTORS® adamantly support the mortgage interest and tax deduction and will work to protect the same. We will also work to return to its unlimited status. The MID and PTD are essential to the investment in and the promotion of homeownership. Homeowners depend on these deductions when financially planning for the biggest investment of their lives. At the very least, the cap should be indexed to rising interest rates, local taxes, and home values.

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**REAL PROPERTY TAXES**

Increasing property taxes reduces the affordability of homeownership, causes a hardship for the increasing numbers of older citizens on fixed incomes, and lessens the attractiveness of an area to new businesses. It is unfair for owners of real estate to bear a disproportionate share of the tax load when non-owners and daily visitors also use county services. Revenue requirements must be based on a thorough analysis of the operating efficiency of government and a rigorous examination of the necessity of services provided.

**ISSUE:** Local governments are constantly evaluating their budgets and considering various increases in the real property tax.

**POSITION:** NC REALTORS® understand the importance of raising local revenue but feel that this should be done through a balanced approached of income, property and sales taxes and fiscally responsible spending.
SALES TAX ON SERVICES
North Carolina sales and use taxes are imposed on the retail sale of tangible personal property. North Carolina traditionally has imposed sales or use tax on a limited number of services. Those services include: accommodation rentals, laundry and dry-cleaning services (receipts for coin-operated machines are exempt), funeral services, direct-to-home satellite service and telecommunications service.

ISSUE: The General Assembly continues to examine the possibility of further expanding sales taxes on services. The addition of these services has created confusion, ambiguity and uneven application, creating an unfair business environment and great liability for business and the state alike.

POSITION: NC REALTORS® oppose expanding the state sales tax to include real estate related services because it would have a significant negative impact on the real estate industry by increasing the costs of housing, decreasing homeownership opportunities, and increasing the costs of operating brokerage businesses.

TRANSPORTATION

FUNDING
NC REALTORS® know the importance of investment in transportation infrastructure as it is a key component in ensuring the success of our state. Transportation is vital to the quality of life of our citizens and making North Carolina an attractive for investment and relocation.

ISSUE: Many different funding mechanisms are being debated at the General Assembly in order to raise the necessary funds to grow and support our infrastructure.

POSITION: NC REALTORS® oppose funding mechanisms that disproportionally affect any single industry or group of people. We believe the Vehicle Mileage Tax disproportionally impacts industries that rely on driving, as well as state residents. State residents are paying taxes already and should not be treated differently than non-residents who use our roads.

ROAD MAINTENANCE
Roads across North Carolina are in need of repair, but the residents are unsure who must fix and maintain them. Many of these homeowners purchased their property and received a letter of intent from the NC Department of Transportation for takeover once the subdivision was near completion. For many reasons, those roads were never accepted by the Department. These roads are now in dangerous condition, with school buses and emergency services unable to use them and reach residents. Additionally, owners are not able to sell their property because banks are not lending under these conditions.

ISSUE: Residential roads in disrepair with unclear delineation of who is responsible for the repair and maintenance.

POSITION: To assist property owners and would be property owners, NC REALTORS® advocate for the following:
1. Clear standards and procedures to ensure this situation does not continue in the future leaving homeowners in the balance;
2. An additional, one-time, appropriations to repair these roads with immediate acceptance Department upon completion; and
3. A statewide database of roads in order for homeowners and purchasers to easily look up the status of a road and ensure that the responsibility of road maintenance is clear upon purchase.

CONCLUSION
Our nation was founded on the unique idea that every individual has the inalienable right to life, liberty, and the pursuit of happiness. One of the most valued rights is the right to own property. The ownership of property is a time-honored right dating back for centuries. Additionally, the real estate industry is a vital part of our state’s economy. It provides tax revenues, increases retail sales, and creates jobs.
NC REALTORS® voice concerns on environmental issues, fiscal responsibility, real estate issues, and housing. We work to encourage, maintain, and guarantee decent, affordable housing for all citizens of North Carolina. We pledge that the voice of our REALTORS® and the voice of homeowners will be heard at the seat of government on issues affecting the rights of property owners.

NC REALTORS® assume a responsible leadership position with regard to the real estate industry. We are increasing and maintaining high professional standards and protect the home buying public. The Association fosters adherence to moral and ethical principles of society.

NC REALTORS® is the voice of real estate in North Carolina. We are committed to supporting private property rights, protecting the opportunity of homeownership, and protecting the vitality of the industry and enhancing a viable investment climate within the State for all North Carolina citizens.