



CHAPTER 166A
ARTICLE 1A - NORTH CAROLINA EMERGENCY MANAGEMENT ACT

N.C.G.S. § 166A-19.21.

Gubernatorial disaster declaration.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2022-58, s. 4(a) — fifteenth act in the lineage	RETRIEVED 21 September 2026, 03:23 UTC	SOURCE FINGERPRINT 3bb01d544c8b4bbeaf79b93b - 807bcd9f4445918924a4b258 - 2aace68934fbc6f7
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§ 166A-19.21(a) Preliminary Damage Assessment. - When a state of emergency is declared pursuant to G.S. 166A-19.20 or G.S. 166A-19.22, the Secretary shall provide the Governor and the General Assembly with a preliminary damage assessment as soon as the assessment is available.

§ 166A-19.21(b) Declaration of Disaster. - Upon receipt of a preliminary damage assessment, the Governor is authorized to issue a disaster declaration declaring the impact or anticipated impact of the emergency to constitute a disaster of one of the following types:

- (1) Type I disaster. - A Type I disaster may be declared by the Governor prior to, and independently of, any action taken by the Small Business Administration, the Federal Emergency Management Agency, or any other federal agency, if all of the following criteria are met:
- a.A local state of emergency has been declared pursuant to G.S. 166A-19.22 and a written copy of the declaration has been forwarded to the Governor.
- b.The preliminary damage assessment meets or exceeds the criteria established for the Small Business Administration Disaster Loan Program pursuant to 13 C.F.R. Part 123 or meets or exceeds the State infrastructure criteria set out in G.S. 166A-19.41(b)(2)a.
- c.A major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared.

- (2) Type II disaster. - A Type II disaster may be declared if the President of the United States has issued a major disaster declaration pursuant to the Stafford Act. The Governor may request federal disaster assistance under the Stafford Act without making a Type II disaster declaration.
- (3) Type III disaster. - A Type III disaster may be declared if the President of the United States has issued a major disaster declaration under the Stafford Act and either of the following is true:
 - a. The preliminary damage assessment indicates that the extent of damage is reasonably expected to meet the threshold established for an increased federal share of disaster assistance under applicable federal law and regulations.
 - b. The preliminary damage assessment prompts the Governor to call a special session of the General Assembly to establish programs to meet the unmet needs of individuals, businesses, or political subdivisions affected by the emergency.

§ 166A-19.21(c)**Expiration of Disaster Declarations. -**

- (1) Expiration of Type I disaster declarations. - A Type I disaster declaration shall expire 60 days after its issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of 30 days each, not to exceed a total of 120 days from the date of first issuance. The Joint Legislative Commission on Governmental Operations shall be notified prior to the issuance of any renewal of a Type I disaster declaration.
- (2) Expiration of Type II disaster declarations. - A Type II disaster declaration shall expire twelve months after its issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of three months each. A Type II disaster declaration and any renewals of that declaration shall not exceed a total of 24 months. The Joint Legislative Commission on Governmental Operations shall be notified prior to the issuance of any renewal of a Type II disaster declaration.
- (3) Expiration of Type III disaster declarations. - A Type III disaster declaration shall expire 24 months after its issuance unless renewed by the General Assembly.

- (4) Expiration of disaster declarations declared prior to July 1, 2001. - Any state of disaster declared or proclaimed before July 1, 2001, irrespective of type, shall terminate by a declaration of the Governor or resolution of the General Assembly. A declaration or resolution declaring or terminating a state of disaster shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, promptly filed with the Secretary, the Secretary of State, and the clerks of superior court in the area to which it applies.

§ 166A-19.21(d) Effect of Disaster Declaration Expiration. - Expiration of a Type II or III disaster declaration shall not affect the State's obligations under federal-State agreements entered into prior to the expiration of the disaster declaration.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
15 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1951 1987 2022			
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1951	c. 1016, s. 4	ENACTED
02	1955	c. 387, s. 4	AMENDED
03	1959	c. 284, s. 2	AMENDED
04	1959	c. 337, s. 4	AMENDED
05	1975	c. 734, ss. 11, 14	AMENDED
06	1977	c. 848, s. 2	AMENDED
07	1979	2nd Sess., c. 1310, s. 2	AMENDED
08	1993	c. 321, s. 181(a)	AMENDED
09	1995	c. 509, s. 125	AMENDED
10	2001	S.L. 2001-214, s. 3	AMENDED

11	2011	S.L. 2011-145, s. 19.1(g)	AMENDED
12	2011	S.L. 2011-183, s. 127(c)	AMENDED
13	2012	S.L. 2012-12, s. 1(b)	AMENDED
14	2012	S.L. 2012-90, ss. 7, 8	AMENDED
15	2022	S.L. 2022-58, s. 4(a)	AMENDED

APPARATUS II
3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 166A-19.20	(a)	"of emergency is declared pursuant to"
G.S. 166A-19.22	(a)	"declared pursuant to G.S. 166A-19.20 or"
G.S. 166A-19.41(b)(2)	(b)	"State infrastructure criteria set out in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 166A-19.21 (2022).

PINPOINT

N.C. Gen. Stat. § 166A-19.21(a) (2022).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1951, c. 1016, s. 4; 1955, c. 387, s. 4; 1959, c. 284, s. 2; c. 337, s. 4; 1975, c. 734, ss. 11, 14; 1977, c. 848, s. 2; 1979, 2nd Sess., c. 1310, s. 2; 1993, c. 321, s. 181(a); 1995, c. 509, s. 125; 2001-214, s. 3; 2011-145, s. 19.1(g); 2011-183, s. 127(c); 2012-12, s. 1(b); 2012-90, ss. 7, 8; 2022-58, s. 4(a).)

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