SENATE BILL 23
Second Edition Engrossed 3/19/97

Short Title:  Require Rental Property Heat.                                        (Public)

Sponsors: Senators Reeves; Martin of Guilford and Miller.

Referred to:  Commerce.

February 3, 1997

1                           A BILL TO BE ENTITLED
2   AN ACT TO REQUIRE THAT EVERY DWELLING UNIT LEASED AS RENTAL
3       PROPERTY IN CERTAIN CITIES BE FURNISHED WITH A SOURCE OF HEAT.
4   The General Assembly of North Carolina enacts:
5           Section 1.  Part 6 of Article 19 of Chapter 160A of the General Statutes is
6   amended by adding a new section to read:
7   "**§ 160A-443A.  Heat source required.**
8       (a)     A city shall, by ordinance, require that by January 1, 1998, every dwelling unit
9   leased as rental property within the city shall have, at a minimum, a central heating
10  system or sufficient chimneys, flues, or gas vents, with heating appliances connected, so
11  as to heat at least one habitable room, excluding the kitchen, to a minimum temperature
12  of 68 degrees Fahrenheit measured three feet above the floor with an outside temperature
13  of 20 degrees Fahrenheit.
14      (b)     All heating systems and appliances shall be installed and maintained in a good
15  and safe working condition by the owner of the dwelling unit.
16      (c)     Portable kerosene heaters are not acceptable as a permanent source of heat as
17  required by subsection (a) of this section, but may be used as a supplementary  source in
18  single family dwellings and duplex units.  An owner who has complied with subsection

1  (a) shall not be held in violation of this section where an occupant of a dwelling unit uses
2  a kerosene heater as a primary source of heat.
3      (d)    This section applies only to cities with a population of 200,000 or over,
4  according to the most recent decennial federal census.
5      (e)    Nothing in this section shall be construed as diminishing the rights of or
6  remedies available to any tenant under a lease agreement, statute, or at common law."
7          Section 2.  This act is effective when it becomes law.