

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1145

Short Title: Close Loophole Min. Hous. Stand.

(Public)

Sponsors: Representatives Michaux; Wainwright, Miller, and Adams.

Referred to: Ways and Means.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO CLOSE A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS ACT AS IT APPLIES TO MUNICIPALITIES LOCATED IN COUNTIES WITH POPULATIONS IN EXCESS OF FIFTY-EIGHT THOUSAND PEOPLE BY THE LAST CENSUS WHERE THE OWNER CAN AVOID ORDERS TO REPAIR, REMOVE, OR DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-443(5a) reads as rewritten:

"(5a) If the governing body shall have adopted an ordinance, or the public officer shall have:

a. In a municipality located in counties which have a population in excess of ~~163,000~~58,000 by the last federal census, other than municipalities with a population in excess of ~~190,000~~100,000 by the last federal census, issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of ~~one year~~three months pursuant to the ordinance or order;

b. In a municipality with a population in excess of ~~190,000~~100,000 by the last federal census, commenced proceedings under the

1 substandard housing regulations regarding a dwelling to be
2 repaired or vacated and closed, as provided in subdivision (3)a.,
3 and if the owner has vacated and closed such dwelling and kept
4 such dwelling vacated and closed for a period of ~~one year~~ three
5 months pursuant to the ordinance or after such proceedings have
6 commenced,

7 then if the governing body shall find that the owner has abandoned the
8 intent and purpose to repair, alter or improve the dwelling in order to
9 render it fit for human habitation and that the continuation of the
10 dwelling in its vacated and closed status would be inimical to the health,
11 safety, morals and welfare of the municipality in that the dwelling
12 would continue to deteriorate, would create a fire and safety hazard,
13 would be a threat to children and vagrants, would attract persons intent
14 on criminal activities, would cause or contribute to blight and the
15 deterioration of property values in the area, and would render
16 unavailable property and a dwelling which might otherwise have been
17 made available to ease the persistent shortage of decent and affordable
18 housing in this State, then in such circumstances, the governing body
19 may, after the expiration of such ~~one year~~ three months period, enact an
20 ordinance and serve such ordinance on the owner, setting forth the
21 following:

- 22 a. If it is determined that the repair of the dwelling to render it fit
23 for human habitation can be made at a cost not exceeding fifty
24 percent (50%) of the then current value of the dwelling, the
25 ordinance shall require that the owner either repair or demolish
26 and remove the dwelling within 90 days; or
27 b. If it is determined that the repair of the dwelling to render it fit
28 for human habitation cannot be made at a cost not exceeding fifty
29 percent (50%) of the then current value of the dwelling, the
30 ordinance shall require the owner to demolish and remove the
31 dwelling ~~within~~ within 90 days.

32 This ordinance shall be recorded in the Office of the Register
33 of Deeds in the county wherein the property or properties are
34 located and shall be indexed in the name of the property owner in
35 the grantor index. If the owner fails to comply with this
36 ordinance, the public officer shall effectuate the purpose of the
37 ordinance.

38 This subdivision only applies to municipalities located in
39 counties which have a population in excess of ~~163,000~~ 58,000 by
40 the last federal census."

41 Section 2. This act is effective when it becomes law.