

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 414
House Committee Substitute Favorable 6/28/99

Short Title: Close Loophole Min. Hous. Stand.

(Public)

Sponsors:

Referred to:

March 18, 1999

A BILL TO BE ENTITLED

1 AN ACT TO CLOSE A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS
2 ACT AS IT APPLIES TO MUNICIPALITIES WITH POPULATIONS OF ONE
3 HUNDRED NINETY THOUSAND PEOPLE OR LESS BY THE LAST CENSUS
4 WHERE THE OWNER CAN AVOID ORDERS TO REPAIR, REMOVE, OR
5 DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT.
6

7 The General Assembly of North Carolina enacts:

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

9 "(5a) If the governing body shall have adopted an ordinance, or the public
10 officer shall have:

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

1 b. In a municipality with a population in excess of 190,000 by the
2 last federal census, commenced proceedings under the
3 substandard housing regulations regarding a dwelling to be
4 repaired or vacated and closed, as provided in subdivision (3)a.,
5 and if the owner has vacated and closed such dwelling and kept
6 such dwelling vacated and closed for a period of one year
7 pursuant to the ordinance or after such proceedings have
8 commenced,

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

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

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

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

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