

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

3

SENATE BILL 41  
House Committee Substitute Favorable 3/11/99  
Third Edition Engrossed 3/22/99

Short Title: Require Rental Property Heat.

(Public)

Sponsors:

Referred to:

February 4, 1999

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT EVERY DWELLING UNIT LEASED AS RENTAL  
PROPERTY IN CERTAIN CITIES BE FURNISHED WITH A SOURCE OF HEAT.

The General Assembly of North Carolina enacts:

Section 1. Part 6 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-443A. Heat source required.**

(a) A city shall, by ordinance, require that by January 1, 2000, every dwelling unit leased as rental property within the city shall have, at a minimum, a central or electric heating system or sufficient chimneys, flues, or gas vents, with heating appliances connected, so as to heat at least one habitable room, excluding the kitchen, to a minimum temperature of 68 degrees Fahrenheit measured three feet above the floor with an outside temperature of 20 degrees Fahrenheit.

(b) If a dwelling unit contains a heating system or heating appliances that meet the requirements of subsection (a) of this section, the owner of the dwelling unit shall not be required to install a new heating system or heating appliances, but the owner shall be required to maintain the existing heating system or heating appliances in a good and safe working condition. Otherwise, the owner of the dwelling unit shall install a heating

1 system or heating appliances that meet the requirements of subsection (a) of this section  
2 and shall maintain the heating system or heating appliances in a good and safe working  
3 condition.

4 (c) Portable kerosene heaters are not acceptable as a permanent source of heat as  
5 required by subsection (a) of this section but may be used as a supplementary source in  
6 single family dwellings and duplex units. An owner who has complied with subsection  
7 (a) shall not be held in violation of this section where an occupant of a dwelling unit uses  
8 a kerosene heater as a primary source of heat.

9 (d) This section applies only to cities with a population of 200,000 or over,  
10 according to the most recent decennial federal census.

11 (e) Nothing in this section shall be construed as:

12 (1) Diminishing the rights of or remedies available to any tenant under a  
13 lease agreement, statute, or at common law; or

14 (2) Prohibiting a city from adopting an ordinance with more stringent  
15 heating requirements than provided for by this section."

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