

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

2

SENATE BILL 1653  
Second Edition Engrossed 6/8/94

Short Title: Durham Housing.

(Local)

---

Sponsors: Senators Gulley; and Lucas.

---

Referred to: Finance.

---

June 1, 1994

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM TO  
AUTHORIZE THE ACQUISITION OF PROPERTY THAT FAILS TO MEET  
THE MINIMUM HOUSING CODE IN ORDER TO PROVIDE HOUSING FOR  
PERSONS WITH LOW OR MODERATE INCOMES.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671, 1975  
Session Laws, is amended by adding the following new section:

"Sec. 74.1. Acquisition of Property by Eminent Domain.

(a) In order to provide housing for persons of low and moderate income, the City shall have the power of eminent domain to acquire property on which is located a dwelling which the City Council or Housing Appeals Board has ordered to be either vacated and closed or removed or demolished.

(b) The City shall not institute an action to acquire property pursuant to this section until at least 30 days after the date of recording, in the office of the Register of Deeds, of the order by the City Council or Housing Appeals Board which ordered that the dwelling be either vacated and closed or removed or demolished.

(c) Before exercising the authority granted to it by this section, the City Council shall authorize a program to use condemned property for housing for persons of low and moderate income. The program shall: (i) include or identify sources of financing adequate to demolish or rehabilitate the dwellings acquired pursuant to this section; (ii) designate the geographical areas in which the program will be conducted; and (iii)

1 describe other activities being conducted by or on behalf of the City of Durham within  
2 those areas to address housing needs or persons of low and moderate income.

3 (d) The provisions of Chapter 40A of the General Statutes shall apply to the  
4 exercise of the power of eminent domain authorized by this section. Vesting of title to  
5 the property taken under this section and right to possession thereto shall occur pursuant  
6 to the provisions of G.S. 40A-42(b).

7 (e) The initiation of an action to acquire property by eminent domain shall not  
8 prevent the City from exercising the powers granted to it by Part 6 of Article 19 of  
9 Chapter 160A of the General Statutes, as amended by this Charter and local act, with  
10 respect to the property that is the subject of the eminent domain action.

11 (f) Limitations or prohibitions, in any provision of general law, on the use or  
12 disposition of property acquired by eminent domain, including but not limited to G.S.  
13 160A-279 and G.S. 160A-457, shall not apply to property acquired pursuant to this  
14 section. Buildings acquired pursuant to this section may be deemed to be 'private  
15 buildings' for purposes of any program of assistance and financing of rehabilitation and  
16 construction undertaken by the City principally for the benefit of low- and moderate-  
17 income persons.

18 (g) The authority contained in this section is in addition to and not in limitation  
19 of any other authority granted by this Charter or any other law."

20 Sec. 2. This act is effective upon ratification.