

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 552

Short Title: Close Housing Standards Loophole.

(Public)

Sponsors: Representatives Adams; Blue, Bowie, Boyd-McIntyre, Cocklereece, Cunningham, Earle, Easterling, H. Hunter, McLaughlin, Michaux, Sharpe, Shaw, Wainwright, and Womble.

Referred to: Judiciary I.

March 27, 1995

A BILL TO BE ENTITLED

1
2 AN ACT TO CLOSE A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS
3 ACT AS IT APPLIES TO LARGE URBAN CITIES WHERE THE OWNER OF
4 SUBSTANDARD PROPERTY CAN AVOID ORDERS TO REPAIR, REMOVE,
5 OR DEMOLISH THE UNIT BY SIMPLY CLOSING IT.

6 The General Assembly of North Carolina enacts:

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

8 "(5a) If the governing body shall have adopted an ordinance, or the public
9 officer shall ~~have~~ have:

- 10 a. In a municipality located in counties which have a population in
11 excess of 163,000 by the last federal census, other than
12 municipalities with a population in excess of 175,000 by the last
13 federal census, issued an order, ordering a dwelling to be
14 repaired or vacated and closed, as provided in subdivision (3)a,
15 and if the owner has vacated and closed such dwelling and kept
16 such dwelling vacated and closed for a period of one year
17 pursuant to the ordinance or ~~order,~~ order;

1 b. In a municipality with a population in excess of 175,000 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 of
34 Deeds in the county wherein the property or properties are located and
35 shall be indexed in the name of the property owner in the grantor index.
36 If the owner fails to comply with this ordinance, the public officer shall
37 effectuate the purpose of the ordinance.

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

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