

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 552
Second Edition Engrossed 5/11/95

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

AN ACT TO CLOSE A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS ACT AS IT APPLIES TO LARGE URBAN CITIES WHERE THE OWNER OF SUBSTANDARD PROPERTY CAN AVOID ORDERS TO REPAIR, REMOVE, OR DEMOLISH THE 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~~ have:

a. In a municipality located in counties which have a population in excess of 163,000 by the last federal census, other than municipalities with a population in excess of 190,000 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 pursuant to the ordinance or ~~order,~~ order;

b. In a municipality with a population in excess of 190,000 by the last federal census, commenced proceedings under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed, as provided in subdivision (3)a.,

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1 and if the owner has vacated and closed such dwelling and kept
2 such dwelling vacated and closed for a period of one year
3 pursuant to the ordinance or after such proceedings have
4 commenced.

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

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

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

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

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