

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 309
House Committee Substitute Favorable 5/3/95

Short Title: Housing Enforcement Lis Pendens.

(Public)

Sponsors:

Referred to:

March 7, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE FILING OF NOTICES OF LIS PENDENS IN THE
3 ENFORCEMENT OF HOUSING AND BUILDING STANDARDS BY CITIES
4 AND COUNTIES.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 11 of Chapter 1 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 1-120.2. Filing of notice by cities and counties in certain cases.**

9 The governing body of a city or county may, by ordinance under Part 5 of Article 19
10 of Chapter 160A of the General Statutes relating to building inspection, or Part 6 of
11 Article 19 of Chapter 160A relating to minimum housing standards, or Part 4 of Article
12 18 of Chapter 153A relating to building inspection, provide that upon the issuance of a
13 complaint and notice of hearing or order pursuant thereto, a notice of lis pendens, with a
14 copy of the complaint and notice of hearing or order attached thereto, may be filed in the
15 office of the clerk of superior court of the county where the property is located. When a
16 notice of lis pendens and a copy of the complaint and notice of hearing or order is filed
17 with the clerk of superior court, it shall be indexed and cross-indexed in accordance with
18 the indexing procedures of G.S. 1-117. From the date and time of indexing, the
19 complaint and notice of hearing or order shall be binding upon the successors and assigns

1 of the owners of and parties in interest in the building or dwelling. A copy of the notice
2 of lis pendens shall be served upon the owners and parties in interest in the building or
3 dwelling at the time of filing in accordance with G.S. 160A-428, 160A-445, or 153A-368
4 as applicable. The notice of lis pendens shall remain in full force and effect until
5 cancelled. The ordinance may authorize the cancellation of the notice of lis pendens
6 under certain circumstances. Upon receipt of notice from the city, the clerk of superior
7 court shall cancel the notice of lis pendens."

8 Sec. 2. Chapter 221 of the Session Laws of 1987, as amended by Chapter
9 1038, Session Laws of 1987 and Chapter 418, Session Laws of 1989, is repealed.

10 Sec. 3. Section 7.2 of the Charter of the City of Gastonia, as revised by
11 Chapter 557, Session Laws of 1991, is repealed.

12 Sec. 4. Section 3 of Chapter 532 of the 1991 Session Laws is repealed.

13 Sec. 5. This act becomes effective October 1, 1995. This act does not affect
14 any notices or orders that were filed under any provisions repealed by this act.