

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 654

Short Title: Asheville Housing Code Process.

(Local)

Sponsors: Senators Ledbetter and Clark.

Referred to: Local Government and Regional Affairs

April 11, 1995

A BILL TO BE ENTITLED

AN ACT AUTHORIZING A ONE-STEP SERVICE PROCESS IN SPECIFIED HOUSING CODE CASES IN THE CITY OF ASHEVILLE.

The General Assembly of North Carolina enacts:

Section 1. (a) A city council may adopt an ordinance providing for a procedure whereby, whenever it appears to the public officer, as defined in G.S. 160A-442, that any dwelling is extremely dilapidated and meets the following conditions:

(1) It has been determined by the public officer to be either:

a. At least fifty per cent (50%) destroyed by fire or other casualty,
or

b. Unable to be repaired, altered, or improved to comply with all of the standards established by the city housing code at a cost of less than seventy-five percent (75%) of its value;

(2) It is not occupied; and

(3) Any other conditions deemed reasonably necessary by the governing body,

the public officer may serve the property owner and parties in interest with a notice of violation of the housing code and set a date not less than 30 days from the date of service of the notice within which the property owner shall either commence rehabilitation so as to bring the dwelling into compliance with the housing code or commence demolition

1 proceedings. The notice shall also inform the property owner that if corrections or
2 demolition proceedings are not commenced within the time period specified, the public
3 officer shall, without further notice or further request of the governing body, cause the
4 demolition of the dwelling and place a lien against the property as set forth in subsection
5 (b) of this section.

6 (b) If the property owner or party in interest submits written objection to the public
7 officer proceeding against the dwelling within the time period specified in the notice of
8 violation, the public officer shall cease any further efforts at compliance under this
9 section but may proceed in accordance with other applicable law. If the property owner
10 or party in interest does not submit written objection to the public officer proceeding
11 against the dwelling within the time period specified in the notice of violation, the public
12 officer shall document that the conditions set forth in subsection (a) of this section exist,
13 enter an order to that effect and cause the dwelling to be demolished. The public officer
14 shall be under no further obligation to notify or serve the property owner or party in
15 interest where there is no written objection. The amount of the cost of demolition by the
16 public officer shall be a lien against the real property upon which the cost was incurred,
17 which lien shall be filed, have the same priority, and be collected as the lien for special
18 assessment provided in Article 10 of Chapter 160A of the General Statutes.

19 (c) Civil actions against the city for proceeding under this section must be filed
20 within nine months from the date the violation notice is served upon the aggrieved party.

21 Sec. 2. This act applies to the City of Asheville only.

22 Sec. 3. This act is effective upon ratification.