

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS55055-LT-29 (2/26)

Short Title: Clarify Certain Building Code Requirement. (Public)

Sponsors: Senators Dorsett; Hagan and Berger.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT CITIES MAY ORDER OWNERS OF RESIDENTIAL
PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET
MINIMUM CODE STANDARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-443(3) reads as rewritten:

"(3) That if, after notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order,

a. If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the city may fix a certain percentage of this value as being reasonable), requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human ~~habitation or to vacate and close the dwelling as a human habitation; habitation.~~ habitation. The public officer may order the owner to vacate and close the dwelling as a human habitation rather than repair, alter, or improve the dwelling if the public officer makes findings of fact to support the determination that the dwelling should be vacated and closed as a human habitation; or

b. If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the city may fix a certain percentage of this value as being reasonable), requiring the owner, within the time specified in the order, to remove or demolish such

1 dwelling. However, notwithstanding any other provision of law,
2 if the dwelling is located in a historic district of the city and the
3 Historic District Commission determines, after a public hearing
4 as provided by ordinance, that the dwelling is of particular
5 significance or value toward maintaining the character of the
6 district, and the dwelling has not been condemned as unsafe, the
7 order may require that the dwelling be vacated and closed
8 consistent with G.S. 160A-400.14(a)."

9 **SECTION 2.** This act is effective when it becomes law.