

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

FILED SENATE  
Mar 13, 2019  
S.B. 235  
PRINCIPAL CLERK

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SENATE BILL DRS45107-LM-43

Short Title: Franklin Cty Municipalities/Unfit Dwellings. (Local)

Sponsors: Senator J. Alexander (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO GRANT MUNICIPALITIES IN FRANKLIN COUNTY THE AUTHORITY TO  
3 ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS  
4 MUNICIPALITIES IN LARGER COUNTIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160A-443 reads as rewritten:

7 "§ 160A-443. Ordinance authorized as to repair, closing, and demolition; order of public  
8 officer.

9 Upon the adoption of an ordinance finding that dwelling conditions of the character described  
10 in G.S. 160A-441 exist within a city, the governing body of the city is hereby authorized to adopt  
11 and enforce ordinances relating to dwellings within the city's territorial jurisdiction that are unfit  
12 for human habitation. These ordinances shall include the following provisions:

13 ...

14 (5b) If the governing body shall have adopted an ordinance as provided in  
15 subdivision (4) of this section, or the public officer shall have:

16 a. In a municipality other than municipalities with a population in excess  
17 of 190,000 by the last federal census, issued an order, ordering a  
18 dwelling to be repaired or vacated and closed, as provided in  
19 subdivision (3)a, and if the dwelling has been vacated and closed for a  
20 period of one year pursuant to the ordinance or order;

21 b. In a municipality with a population in excess of 190,000 by the last  
22 federal census, commenced proceedings under the substandard  
23 housing regulations regarding a dwelling to be repaired or vacated and  
24 closed, as provided in subdivision (3)a., and if the dwelling has been  
25 vacated and closed for a period of one year pursuant to the ordinance  
26 or after such proceedings have commenced,

27 then if the governing body shall find that the owner has abandoned the intent  
28 and purpose to repair, alter or improve the dwelling in order to render it fit for  
29 human habitation and that the continuation of the dwelling in its vacated and  
30 closed status would be inimical to the health, safety, morals and welfare of the  
31 municipality in that the dwelling would continue to deteriorate, would create  
32 a fire and safety hazard, would be a threat to children and vagrants, would  
33 attract persons intent on criminal activities, would cause or contribute to blight  
34 and the deterioration of property values in the area, and would render  
35 unavailable property and a dwelling which might otherwise have been made  
36 available to ease the persistent shortage of decent and affordable housing in



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this State, then in such circumstances, the governing body may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

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

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

This subdivision applies to the Cities of Eden, Lumberton, Roanoke Rapids, and Whiteville, to the municipalities in ~~Lee County, Franklin and Lee Counties,~~ and the Towns of Bethel, Farmville, Newport, and Waynesville only.

...."

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