

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 414

Short Title: Close Loophole Min. Hous. Stand.

(Public)

Sponsors: Senators Kinnaird; and Lee.

Referred to: Judiciary II.

March 18, 1999

A BILL TO BE ENTITLED

1 AN ACT TO CLOSE A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS
2 ACT AS IT APPLIES TO MUNICIPALITIES LOCATED IN COUNTIES WITH
3 POPULATIONS IN EXCESS OF FIFTY-EIGHT THOUSAND PEOPLE BY THE
4 LAST CENSUS WHERE THE OWNER CAN AVOID ORDERS TO REPAIR,
5 REMOVE, OR DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 160A-443(5a) reads as rewritten:

9 "(5a) If the governing body shall have adopted an ordinance, or the public
10 officer shall have:

11 a. In a municipality located in counties which have a population in
12 excess of ~~163,000~~58,000 by the last federal census, other than
13 municipalities with a population in excess of 190,000 by the last
14 federal census, issued an order, ordering a dwelling to be
15 repaired or vacated and closed, as provided in subdivision (3)a,
16 and if the owner has vacated and closed such dwelling and kept
17 such dwelling vacated and closed for a period of one year
18 pursuant to the ordinance or order;

19 b. In a municipality with a population in excess of 190,000 by the
20 last federal census, commenced proceedings under the

1 substandard housing regulations regarding a dwelling to be
2 repaired or vacated and closed, as provided in subdivision (3)a.,
3 and if the owner has vacated and closed such dwelling and kept
4 such dwelling vacated and closed for a period of one year
5 pursuant to the ordinance or after such proceedings have
6 commenced,

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

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

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

37 This subdivision only applies to municipalities located in
38 counties which have a population in excess of ~~163,000~~ 58,000 by
39 the last federal census."

40 Section 2. This act is effective when it becomes law.