

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH30165-LB-235 (03/13)

Short Title: Wilmington/Acquire Substandard Dwellings.

(Local)

Sponsors: Representative Hughes.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CITY OF WILMINGTON TO EXERCISE THE POWER OF  
EMINENT DOMAIN TO ACQUIRE CERTAIN SUBSTANDARD RESIDENTIAL  
PROPERTY TO PROVIDE HOUSING FOR LOW- AND MODERATE-INCOME  
PERSONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 19 of Chapter 160A of the General Statutes is amended by  
adding the following new section to read:

**"§ 160A-450.1. Acquisition of property by eminent domain.**

For the purpose of providing housing for low- and moderate-income persons, a municipality shall have the power of eminent domain to acquire vacant dwellings that have been closed for human habitation as a result of housing code violations for a minimum period of three years and to acquire the lot or tract upon which the vacant dwellings are situated. For purposes of this section, the phrase "low and moderate income" means annual gross income equal to or less than eighty percent (80%) of the median household income for the Metropolitan Statistical Area of which the municipality is a part, adjusted for household size, and as that phrase may be revised periodically by the United States Department of Housing and Urban Development. In the exercise of its authority of eminent domain for the acquisition of property to provide housing for low- and moderate-income persons, the municipality shall follow the procedures prescribed in Chapter 40A of the General Statutes. The governing body of the municipality shall adopt a plan to use condemned property for low- or moderate-income housing prior to exercising the powers authorized under this section. The power of eminent domain under this section may be used only when the vacant dwelling would otherwise be demolished under the municipality's housing code."

**SECTION 2.** This act applies to the City of Wilmington only.

**SECTION 3.** This act is effective when it becomes law.

