

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1731

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

Sponsors: Representatives Adams; Blust, Bowie, Boyd-McIntyre, Culp, Jarrell, and Jeffus.

Referred to: Appropriations.

June 13, 2002

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT CITIES MAY ORDER OWNERS OF RESIDENTIAL
2 PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET
3 MINIMUM CODE STANDARDS AND TO APPROPRIATE FUNDS FOR THAT
4 PURPOSE.
5

6 The General Assembly of North Carolina enacts:

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

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

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

24 b. If the repair, alteration or improvement of the dwelling cannot
25 be made at a reasonable cost in relation to the value of the
26 dwelling (the ordinance of the city may fix a certain percentage
27 of this value as being reasonable), requiring the owner, within
28 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.** There is appropriated from the General Fund to the
10 Department of Insurance the sum of twenty thousand dollars (\$20,000) for the
11 2002-2003 fiscal year to educate public officers about the clarification made to G.S.
12 160A-443 in Section 1 of this act.

13 **SECTION 3.** This act becomes effective July 1, 2002.