

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

2

SENATE BILL 474
State and Local Government Committee Substitute Adopted 3/24/05

Short Title: Cary/Greenville Unfit Housing.

(Local)

Sponsors:

Referred to:

March 10, 2005

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE TOWN OF CARY AND THE CITY OF
2 GREENVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN
3 HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX
4 MONTHS.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 160A-443(5b) reads as rewritten:

8 "(5b) If the governing body shall have adopted an ordinance, or the public
9 officer shall have:

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

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

25 then if the governing body shall find that the owner has abandoned the
26 intent and purpose to repair, alter or improve the dwelling in order to
27 render it fit for human habitation and that the continuation of the
28 dwelling in its vacated and closed status would be inimical to the
29 health, safety, morals and welfare of the municipality in that the

1 dwelling would continue to deteriorate, would create a fire and safety
2 hazard, would be a threat to children and vagrants, would attract
3 persons intent on criminal activities, would cause or contribute to
4 blight and the deterioration of property values in the area, and would
5 render unavailable property and a dwelling which might otherwise
6 have been made available to ease the persistent shortage of decent and
7 affordable housing in this State, then in such circumstances, the
8 governing body may, after the expiration of such ~~one year~~six-month
9 period, enact an ordinance and serve such ordinance on the owner,
10 setting forth the following:

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

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

26 ~~This subdivision applies to the Cities of Eden, Greenville, Lumberton,
27 Roanoke Rapids, and Whiteville, to the municipalities in Lee County,
28 and the Towns of Bethel, Farmville, Newport, and Waynesville only."~~

29 **SECTION 2.** This act applies to the Town of Cary and the City of
30 Greenville only.

31 **SECTION 3.** S.L. 1997-414, as it applies to the City of Greenville, is
32 repealed.

33 **SECTION 4.** This act is effective when it becomes law.