

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 885
Commerce Committee Substitute Adopted 4/10/01
House Committee Substitute Favorable 8/8/01

Short Title: Unsafe Buildings.

(Public)

Sponsors:

Referred to:

April 4, 2001

A BILL TO BE ENTITLED

AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS AND TO EXTEND THE TIME DURING WHICH COUNTIES MAY DISPOSE OF DWELLINGS AT PRIVATE SALE THAT WERE PURCHASED UNDER THE HAZARD MITIGATION GRANT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-426 reads as rewritten:

"§ 160A-426. Unsafe buildings condemned.

(a) Residential ~~Building~~-Building and Nonresidential Building or Structure. – Every building ~~which~~-that shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of ~~said~~-the building.

(b) Nonresidential Building or Structure. – ~~An~~-In addition to the authority granted in subsection (a) of this section, an inspector may declare a nonresidential building or structure within a community development target area to be unsafe if it meets both of the following conditions:

- (1) It appears to the inspector to be vacant or abandoned.
- (2) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities ~~which~~-that would constitute a public nuisance.

(c) If an inspector declares a nonresidential building or structure to be ~~unsafe,~~ unsafe under subsection (b) of this section, the inspector must affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the

1 building. For the purposes of this ~~subsection,~~section, the term "community
2 development target area" means an area that has characteristics of a development zone
3 under G.S. 105-129.3A, a "nonresidential ~~development-redevelopment~~ area" under G.S.
4 160A-503(10), or an area with similar characteristics designated by the city council as
5 being in special need of revitalization for the benefit and welfare of its citizens."

6 **SECTION 2.** G.S. 160A-432 reads as rewritten:

7 "**§ 160A-432. Civil and equitable enforcement.**Enforcement.

8 (a) ~~Civil Enforcement.~~—Whenever any violation is denominated a misdemeanor
9 under the provisions of this Part, the city, either in addition to or in lieu of other
10 remedies, may initiate any appropriate action or proceedings to prevent, restrain,
11 correct, or abate the violation or to prevent the occupancy of the building or structure
12 involved.

13 (b) ~~Equitable Enforcement.~~—In the case of a nonresidential building or structure
14 declared unsafe under G.S. ~~160A-426(b),~~160A-426, a city may, in lieu of taking action
15 under subsection (a), cause the building or structure to be removed or demolished. The
16 amounts incurred by the city in connection with the removal or demolition shall be a
17 lien against the real property upon which the cost was incurred. The lien shall be filed,
18 have the same priority, and be collected in the same manner as liens for special
19 assessments provided in Article 10 of this Chapter. If the building or structure is
20 removed or demolished by the city, the city shall sell the usable materials of the
21 building and any personal property, fixtures, or appurtenances found in or attached to
22 the building. The city shall credit the proceeds of the sale against the cost of the removal
23 or demolition. Any balance remaining from the sale shall be deposited with the clerk of
24 superior court of the county where the property is located and shall be disbursed by the
25 court to the person found to be entitled thereto by final order or decree of the court.

26 (c) Nothing in this section shall be construed to impair or limit the power of the
27 city to define and declare nuisances and to cause their removal or abatement by
28 summary proceedings, or otherwise."

29 **SECTION 3.** Section 2 of S.L. 2001-29 reads as rewritten:

30 "Section 2. A county may sell any improvements affixed to or located on real
31 property that it has purchased through the Hazard Mitigation Grant Program related to
32 Hurricane Floyd. These improvements may be sold and are exempt from the
33 restrictions and limitations required to effectuate sales of real or personal property
34 provided for in Article 12 of Chapter 160A of the General Statutes. No dwelling may be
35 sold pursuant to this section unless the following requirements are met:

- 36 (1) The dwelling may be sold only to the verifiable owner of the dwelling
37 at the time of Hurricane Floyd, September 15, 1999, and must initially
38 be reoccupied by the same owner.
- 39 (2) The dwelling must have been properly repaired in compliance with the
40 North Carolina Building Code as verified by the county Planning and
41 Development Department by issuance of a building permit, subsequent
42 inspections, and a certificate of occupancy.

1 (3) The dwelling must be sold on or before ~~July 31, 2001.~~December 31,
2 2002."

3 **SECTION 4.** Sections 1 and 2 of this act are effective when they become
4 law. Section 3 of this act is effective on and after July 31, 2001.