

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SENATE BILL 885
RATIFIED BILL**

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

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

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

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

(b) Equitable Enforcement.—In the case of a nonresidential building or structure declared unsafe under G.S. ~~160A-426(b), 160A-426,~~ a city may, in lieu of taking action under subsection (a), cause the building or structure to be removed or demolished. The amounts incurred by the city in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. The lien shall be filed,

have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of this Chapter. If the building or structure is removed or demolished by the city, the city shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The city shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

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

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

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

- (1) The dwelling may be sold only to the verifiable owner of the dwelling at the time of Hurricane Floyd, September 15, 1999, and must initially be reoccupied by the same owner.
- (2) The dwelling must have been properly repaired in compliance with the North Carolina Building Code as verified by the county Planning and Development Department by issuance of a building permit, subsequent inspections, and a certificate of occupancy.
- (3) The dwelling must be sold on or before ~~July 31, 2001~~ December 31, 2002."

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

In the General Assembly read three times and ratified this the 21st day of August, 2001.

Marc Basnight
President Pro Tempore of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ m. this _____ day of _____, 2001