

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 530

Short Title: Counties/Condemnation of Unsafe Bldgs/Liens. (Public)

Sponsors: Representatives Lewis, Sauls, and Willingham (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government II, if favorable, Judiciary III

March 30, 2017

A BILL TO BE ENTITLED

AN ACT GRANTING COUNTIES THE SAME AUTHORITY AS CITIES TO DECLARE CERTAIN BUILDINGS OR STRUCTURES UNSAFE AND TO REMOVE OR DEMOLISH UNSAFE BUILDINGS OR STRUCTURES AND TO PLACE A LIEN ON THE OWNER'S REAL PROPERTY FOR THE COSTS INCURRED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-366 reads as rewritten:

"§ 153A-366. **Unsafe buildings condemned.**

(a) Residential Building and Nonresidential Building or Structure. – The inspector shall condemn as unsafe each building that appears to him to be especially dangerous to life because of its liability to fire, bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes; and he shall affix a notice of the dangerous character of the building to a conspicuous place on its exterior wall.

(b) Nonresidential Building or Structure. – 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 that would constitute a public nuisance.

(c) If an inspector declares a nonresidential building or structure to be 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 section, the term "community development target area" means an area that has characteristics of an urban progress zone under G.S. 143B-437.09, a "nonresidential redevelopment area" under G.S. 160A-503(10), or an area with similar characteristics designated by the board of commissioners as being in special need of revitalization for the benefit and welfare of its citizens.

(d) A county may expand subsections (b) and (c) of this section to apply to residential buildings by adopting an ordinance. Before adopting the ordinance, the county shall hold a public hearing and shall provide notice of the hearing at least 10 days in advance of the hearing."

SECTION 2. G.S. 153A-368 reads as rewritten:



1 **"§ 153A-368. Action in event of failure to take corrective action.**

2 If the owner of a building that has been condemned as unsafe pursuant to G.S. 153A-366
3 fails to take prompt corrective action, the local inspector shall by certified or registered mail to
4 his last known address or by personal service give him written notice:

5 (1) That the building or structure is in a condition that appears to ~~constitute~~ meet
6 one or more of the following conditions:

7 a. Constitutes a fire or safety hazard or to be hazard.

8 b. Is dangerous to life, health, or other ~~property;~~ property.

9 c. Is likely to cause or contribute to blight, disease, vagrancy, or danger
10 to children.

11 d. Has a tendency to attract persons intent on criminal activities or other
12 activities that would constitute a public nuisance.

13 (2) That a hearing will be held before the inspector at a designated place and
14 time, not later than 10 days after the date of the notice, at which time the
15 owner is entitled to be heard in person or by counsel and to present
16 arguments and evidence pertaining to the matter; and

17 (3) That following the hearing, the inspector may issue any order to repair,
18 close, vacate, or demolish the building that appears appropriate.

19 If the name or whereabouts of the owner cannot after due diligence be discovered, the notice
20 shall be considered properly and adequately served if a copy thereof is posted on the outside of
21 the building in question at least 10 days before the day of the hearing and a notice of the
22 hearing is published at least once not later than one week before the hearing."

23 **SECTION 3.** G.S. 153A-372 reads as rewritten:

24 **"§ 153A-372. Equitable enforcement.**

25 (a) Action Authorized. – Whenever a violation is denominated a misdemeanor under
26 the provisions of this Part, the county, either in addition to or in lieu of other remedies, may
27 initiate any appropriate action or proceeding to prevent, restrain, correct, or abate the violation
28 or to prevent the occupancy of the building involved.

29 (b) Removal of Building. – In the case of a building or structure declared unsafe under
30 G.S. 153A-366 or an ordinance adopted pursuant to G.S. 153A-366, a county may, in lieu of
31 taking action under subsection (a) of this section, cause the building or structure to be removed
32 or demolished. The amounts incurred by the county in connection with the removal or
33 demolition shall be a lien against the real property upon which the cost was incurred. The lien
34 shall be filed, have the same priority, and be collected in the same manner as liens for special
35 assessments provided in Article 9 of this Chapter. If the building or structure is removed or
36 demolished by the county, the county shall sell the usable materials of the building and any
37 personal property, fixtures, or appurtenances found in or attached to the building. The county
38 shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance
39 remaining from the sale shall be deposited with the clerk of superior court of the county where
40 the property is located and shall be disbursed by the court to the person found to be entitled
41 thereto by final order or decree of the court.

42 (b1) Additional Lien. – The amounts incurred by the county in connection with the
43 removal or demolition shall also be a lien against any other real property owned by the owner
44 of the building or structure and located within the county's jurisdictional limits, except for the
45 owner's primary residence. The provisions of subsection (b) of this section apply to this
46 additional lien, except that this additional lien is inferior to all prior liens and shall be collected
47 as a money judgment.

48 (c) Nonexclusive Remedy. – Nothing in this section shall be construed to impair or
49 limit the power of the county to define and declare nuisances and to cause their removal or
50 abatement by summary proceedings or otherwise."

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