

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 683
PROPOSED COMMITTEE SUBSTITUTE S683-PCS35261-RC-36

Short Title: Residential Building Inspections.

(Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE
BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-364 reads as rewritten:

"§ 153A-364. **Periodic inspections for hazardous or unlawful conditions.**

(a) The inspection department ~~shall~~may make periodic inspections, subject to the board of commissioners' directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings or structures within its territorial jurisdiction. Except as provided in subsection (b) of this section, the inspection department may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. For purposes of this section, the term 'reasonable cause' means (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period; (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected; (iii) the inspection department has actual knowledge of an unsafe condition within the building; or (iv) violations of the local ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the inspection department shall not discriminate between single-family and multifamily buildings. In addition, it shall make any necessary inspections when it has reason to believe that such conditions may exist in a particular building. In exercising these powers, each member of the inspection department has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(b) A county may require periodic inspections as part of a targeted effort within a geographic area that has been designated by the county commissioners. The county shall not discriminate in its selection or areas or properties to be targeted and shall (i) provide notice to all owners and residents of properties in the affected area about the periodic inspections plan and information regarding a public hearing regarding the plan; (ii) hold a public hearing regarding the plan; and (iii) establish a plan to address the ability of low-income residential property owners to comply with minimum housing code standards.

(c) In no event may a county do any of the following: (i) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or



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1 permission from the county to lease or rent residential real property; (ii) require that an owner
2 or manager of residential rental property enroll or participate in any governmental program as a
3 condition of obtaining a certificate of occupancy; or (iii) levy a special fee or tax on residential
4 rental property that is not also levied against other commercial and residential properties except
5 that the county may levy a fee for rental property registration on those properties which have
6 been found in violation of local ordinances within the previous 12 months. The fee shall be an
7 amount that covers the cost of operating a residential registration program and shall not be used
8 to supplant revenue in other areas."

9 **SECTION 2.** G.S. 160A-424 reads as rewritten:

10 **"§ 160A-424. Periodic inspections.**

11 (a) The inspection department shall may make periodic inspections, subject to the
12 council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in
13 buildings or structures within its territorial jurisdiction. Except as provided in subsection (b) of
14 this section, the inspection department may make periodic inspections only when there is
15 reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful
16 conditions may exist in a residential building or structure. For purposes of this section, the term
17 'reasonable cause' means (i) the landlord or owner has a history of more than two verified
18 violations of the housing ordinances or codes within a 12-month period; (ii) there has been a
19 complaint that substandard conditions exist within the building or there has been a request that
20 the building be inspected; (iii) the inspection department has actual knowledge of an unsafe
21 condition within the building; or (iv) violations of the local ordinances or codes are visible
22 from the outside of the property. In conducting inspections authorized under this section, the
23 inspection department shall not discriminate between single-family and multifamily buildings.
24 In addition, it shall make inspections when it has reason to believe that such conditions may
25 exist in a particular structure. In exercising this power, members of the department shall have a
26 right to enter on any premises within the jurisdiction of the department at all reasonable hours
27 for the purposes of inspection or other enforcement action, upon presentation of proper
28 credentials.

29 (b) A city may require periodic inspections as part of a targeted effort within a
30 geographic area that has been designated by the city council. The municipality shall not
31 discriminate in its selection or areas or properties to be targeted and shall (i) provide notice to
32 all owners and residents of properties in the affected area about the periodic inspections plan
33 and information regarding a public hearing regarding the plan; (ii) hold a public hearing
34 regarding the plan; and (iii) establish a plan to address the ability of low-income residential
35 property owners to comply with minimum housing code standards.

36 (c) In no event may a city do any of the following: (i) adopt or enforce any ordinance
37 that would require any owner or manager of rental property to obtain any permit or permission
38 from the city to lease or rent residential real property; (ii) require that an owner or manager of
39 residential rental property enroll or participate in any governmental program as a condition of
40 obtaining a certificate of occupancy; or (iii) levy a special fee or tax on residential rental
41 property that is not also levied against other commercial and residential properties except that
42 the city may levy a fee for rental property registration on those properties which have been
43 found in violation of local ordinances within the previous 12 months. The fee shall be an
44 amount that covers the cost of operating a residential registration program and shall not be used
45 to supplant revenue in other areas."

46 **SECTION 3.** This act is effective when it becomes law.