

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 773
Apr 10, 2013
HOUSE PRINCIPAL CLERK

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HOUSE DRH10279-LM-140 (03/20)

Short Title: Local Gov'ts/Bldgs/Structures/Inspections. (Public)

Sponsors: Representatives W. Brawley, Moffitt, Hardister, and Brisson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REVISING THE CONDITIONS UNDER WHICH COUNTIES AND CITIES MAY
3 INSPECT BUILDINGS OR STRUCTURES.

4 The General Assembly of North Carolina enacts:

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

6 "~~§ 153A-364. Periodic inspections~~ **Inspections for hazardous or unlawful conditions.**

7 (a) The inspection department may make ~~periodic~~ inspections, subject to the board of
8 commissioners' directions, for unsafe, unsanitary, or otherwise hazardous and unlawful
9 conditions in buildings or structures within its territorial jurisdiction. Except as provided in
10 subsection (b) of this section, the inspection department may make ~~periodic~~ inspections only
11 when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or
12 unlawful conditions may exist in a residential building or structure. For purposes of this
13 section, the term "reasonable cause" means any of the following: (i) the landlord or owner has a
14 history of more than two verified violations of the housing ordinances or codes within a
15 12-month period; (ii) there has been a complaint that substandard conditions exist within the
16 building or there has been a request that the building be inspected; (iii) the inspection
17 department has actual knowledge of an unsafe condition within the building; or (iv) violations
18 of the local ordinances or codes are visible from the outside of the property. In conducting
19 inspections authorized under this section, the inspection department shall not discriminate
20 between single-family and multifamily ~~buildings.~~ buildings or between owner-occupied and
21 tenant-occupied buildings. In exercising these powers, each member of the inspection
22 department has a right, upon presentation of proper credentials, to enter on any premises within
23 the territorial jurisdiction of the department at any reasonable hour for the purposes of
24 inspection or other enforcement action. Nothing in this section shall be construed to prohibit
25 periodic inspections in accordance with State fire prevention code or as otherwise required by
26 State law.

27 (b) A county may require ~~periodic~~ inspections as part of a targeted effort to respond to
28 blighted or potentially blighted conditions within a geographic area that has been designated by
29 the county commissioners. However, the targeted area must meet the requirements for a
30 community development block grant, and the total aggregate of designated geographic areas in
31 the county shall not be greater than one square mile. The county shall not discriminate ~~in its~~
32 ~~selection of areas or~~ between single-family and multifamily buildings or between
33 owner-occupied and tenant-occupied buildings in its selection of housing types to be targeted
34 and shall inspected in the targeted area. The county shall (i) provide notice to all owners and
35 residents of properties in the affected area about the ~~periodic~~ inspections plan and information



1 regarding a public hearing regarding the plan; (ii) hold a public hearing regarding the plan; and
2 (iii) establish a plan to address the ability of low-income residential property owners to comply
3 with minimum housing code standards.

4 (c) In no event may a county do any of the following: (i) adopt or enforce any
5 ordinance that would require any owner or manager of rental property to obtain any permit or
6 permission from the county to lease or rent residential real ~~property, property, or to register~~
7 rental property, except for those individual rental units that have more than three verified
8 violations of housing ordinances or codes in a 12-month period or upon the property being
9 identified within the top ~~10%-four percent (4%)~~ of properties with crime or disorder problems
10 as set forth in a local ordinance; (ii) require that an owner or manager of residential rental
11 property enroll or participate in any governmental program as a condition of obtaining a
12 certificate of occupancy; ~~or (iii) except as provided in subsection (d) of this section, (iii)~~ levy a
13 special fee or tax on residential rental property that is not also levied against other commercial
14 and residential ~~properties, properties~~; (iv) require proof of registration under subdivision (i) of
15 this subsection, when applicable, be posted in the business office, common area, or other
16 conspicuous place; or (v) provide that any violation of a rental registration ordinance is
17 punishable as a criminal offense.

18 (d) ~~A county may levy a fee for residential rental property registration under subsection~~
19 ~~(e) of this section for those rental units which have been found with more than two verified~~
20 ~~violations of housing ordinances or codes within the previous 12 months or upon the property~~
21 ~~being identified within the top 10% of properties with crime or disorder problems as set forth in~~
22 ~~a local ordinance. The fee shall be an amount that covers the cost of operating a residential~~
23 ~~registration program and shall not be used to supplant revenue in other areas. Counties using~~
24 ~~registration programs that charge registration fees for all residential rental properties as of June~~
25 ~~1, 2011, may continue levying a fee on all residential rental properties as follows:~~

- 26 (1) ~~For properties with 20 or more residential rental units, the fee shall be no~~
27 ~~more than fifty dollars (\$50.00) per year.~~
28 (2) ~~For properties with fewer than 20 but more than three residential rental units,~~
29 ~~the fee shall be no more than twenty five dollars (\$25.00) per year.~~
30 (3) ~~For properties with three or fewer residential rental units, the fee shall be no~~
31 ~~more than fifteen dollars (\$15.00) per year.~~

32 (e) For purposes of this section, the term "verified violation" means all of the following:

- 33 (1) The aggregate of all violations of housing ordinances or codes found in an
34 individual rental unit of residential real property during a 72-hour period.
35 (2) Any violations that have not been corrected by the owner or manager within
36 30 days of receipt of written notice from the county of the violations. If the
37 housing ordinance or code provides that any form of prohibited tenant
38 behavior constitutes a violation by the owner or manager of the rental
39 property, it shall be deemed a correction of the tenant-related violation if the
40 owner or manager, within 30 days of receipt of written notice of the
41 tenant-related violation, brings a summary ejectment action to have the
42 tenant evicted. If the court finds against the owner or manager in the
43 summary ejectment action and does not evict the tenant, it shall be deemed a
44 correction of the tenant-related violation if the owner or manager does not
45 renew the tenant's lease at the end of the then-current term and does not lease
46 to the tenant again.

47 (f) If a property is identified by the county as being in the top four percent (4%) of
48 properties with crime or disorder problems, the county shall notify the landlord of any crimes,
49 disorders, or other violations that will be counted against the property to allow the landlord an
50 opportunity to attempt to correct the problems. In addition, the county and the county's sheriff
51 department shall assist the landlord in addressing any criminal activity, including testifying in

1 court in a summary ejectment action or other matter to aid in evicting a tenant who has been
2 charged with a crime. If the county or the county's sheriff department does not cooperate in
3 evicting a tenant, the tenant's behavior or activity at issue shall not be counted as a crime or
4 disorder problem as set forth in the local ordinance and the property may not be included in the
5 top four percent (4%) of properties as a result of that tenant's behavior or activity."

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

7 **"§ 160A-424. ~~Periodic inspections.~~ Inspections for hazardous or unlawful conditions.**

8 (a) The inspection department may make ~~periodic~~ inspections, subject to the council's
9 directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings
10 or structures within its territorial jurisdiction. Except as provided in subsection (b) of this
11 section, the inspection department may make ~~periodic~~ inspections only when there is
12 reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful
13 conditions may exist in a residential building or structure. For purposes of this section, the term
14 "reasonable cause" means any of the following: (i) the landlord or owner has a history of more
15 than two verified violations of the housing ordinances or codes within a 12-month period; (ii)
16 there has been a complaint that substandard conditions exist within the building or there has
17 been a request that the building be inspected; (iii) the inspection department has actual
18 knowledge of an unsafe condition within the building; or (iv) violations of the local ordinances
19 or codes are visible from the outside of the property. In conducting inspections authorized
20 under this section, the inspection department shall not discriminate between single-family and
21 multifamily ~~buildings.~~ buildings or between owner-occupied and tenant-occupied buildings. In
22 exercising this power, members of the department shall have a right to enter on any premises
23 within the jurisdiction of the department at all reasonable hours for the purposes of inspection
24 or other enforcement action, upon presentation of proper credentials. Nothing in this section
25 shall be construed to prohibit periodic inspections in accordance with State fire prevention code
26 or as otherwise required by State law.

27 (b) A city may require ~~periodic~~ inspections as part of a targeted effort to respond to
28 blighted or potentially blighted conditions within a geographic area that has been designated by
29 the city council. However, the targeted area must meet the requirements for a community
30 development block grant and the total aggregate of targeted areas in the city shall not be greater
31 than one square mile. The municipality city shall not discriminate in its selection of areas
32 or between owner-occupied and tenant-occupied buildings in its selection of housing types to be
33 inspected in the targeted and shall (i) area. The city shall (i) provide notice to all owners and
34 residents of properties in the affected area about the ~~periodic~~ inspections plan and information
35 regarding a public hearing regarding the plan; (ii) hold a public hearing regarding the plan; and
36 (iii) establish a plan to address the ability of low-income residential property owners to comply
37 with minimum housing code standards.

38 (c) In no event may a city do any of the following: (i) adopt or enforce any ordinance
39 that would require any owner or manager of rental property to obtain any permit or permission
40 from the city to lease or rent residential real property, except for those ~~properties~~ individual
41 rental units that have more than three verified violations in a 12-month period or upon the
42 property being identified within the top ~~40%~~ four percent (4%) of properties with crime or
43 disorder problems as set forth in a local ordinance; (ii) require that an owner or manager of
44 residential rental property enroll or participate in any governmental program as a condition of
45 obtaining a certificate of occupancy; ~~or (iii) except as provided in subsection (d) of this~~
46 ~~section,~~ (iii) levy a special fee or tax on residential rental property that is not also levied against
47 other commercial and residential ~~properties.~~ properties; (iv) require proof of registration under
48 subdivision (i) of this subsection, when applicable, be posted in the business office, common
49 area, or other conspicuous place; or (v) provide that any violation of a rental registration
50 ordinance is punishable as a criminal offense.

1 (d) ~~A city may levy a fee for residential rental property registration under subsection (e)~~
2 ~~of this section for those rental units which have been found with more than two verified~~
3 ~~violations of local ordinances within the previous 12 months or upon the property being~~
4 ~~identified within the top 10% of properties with crime or disorder problems as set forth in a~~
5 ~~local ordinance. The fee shall be an amount that covers the cost of operating a residential~~
6 ~~registration program and shall not be used to supplant revenue in other areas. Cities using~~
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16 (1) The aggregate of all violations of housing ordinances or codes found in an
17 individual rental unit of residential real property during a 72-hour period.

18 (2) Any violations that have not been corrected by the owner or manager within
19 30 days of receipt of written notice from the city of the violations. If the
20 housing ordinance or code provides that any form of prohibited tenant
21 behavior constitutes a violation by the owner or manager of the rental
22 property, it shall be deemed a correction of the tenant-related violation if the
23 owner or manager, within 30 days of receipt of written notice of the
24 tenant-related violation, brings a summary ejectment action to have the
25 tenant evicted. If the court finds against the owner or manager in the
26 summary ejectment action and does not evict the tenant, it shall be deemed a
27 correction of the tenant-related violation if the owner or manager does not
28 renew the tenant's lease at the end of the then-current term and does not lease
29 to the tenant again.

30 (f) If a property is identified by the city as being in the top four percent (4%) of
31 properties with crime or disorder problems, the city shall notify the landlord of any crimes,
32 disorders, or other violations that will be counted against the property to allow the landlord an
33 opportunity to attempt to correct the problems. In addition, the city and the city's police
34 department or, if the city has no police department, the county sheriff's department shall assist
35 the landlord in addressing any criminal activity, including testifying in court in a summary
36 ejectment action or other matter to aid in evicting a tenant who has been charged with a crime.
37 If the city, the city's police department, or where applicable the county's sheriff department
38 does not cooperate in evicting a tenant, the tenant's behavior or activity at issue shall not be
39 counted as a crime or disorder problem as set forth in the local ordinance and the property may
40 not be included in the top four percent (4%) of properties as a result of that tenant's behavior or
41 activity."

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