

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40306-LM-81 (03/16)

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

Sponsors: Representatives Lewis, Sauls, and Willingham (Primary Sponsors).

Referred to:

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

6 The General Assembly of North Carolina enacts:

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

8 "**§ 153A-366. Unsafe buildings condemned.**

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

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

18 (1) It appears to the inspector to be vacant or abandoned.

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

23 (c) If an inspector declares a nonresidential building or structure to be unsafe under
24 subsection (b) of this section, the inspector must affix a notice of the unsafe character of the
25 structure to a conspicuous place on the exterior wall of the building. For the purposes of this
26 section, the term "community development target area" means an area that has characteristics
27 of an urban progress zone under G.S. 143B-437.09, a "nonresidential redevelopment area"
28 under G.S. 160A-503(10), or an area with similar characteristics designated by the board of
29 commissioners as being in special need of revitalization for the benefit and welfare of its
30 citizens.

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

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

36 "**§ 153A-368. Action in event of failure to take corrective action.**



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

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

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

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

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

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

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

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

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

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

23 **"§ 153A-372. Equitable enforcement.**

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

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

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

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

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