

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL DRS15091-LM-54

Short Title: Inspections/Immediate Threat to Occupants. (Public)

Sponsors: Senators Robinson and Garrett (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING CITIES TO CONDUCT INSPECTIONS WHERE THERE EXISTS  
3 A SAFETY HAZARD THAT POSES AN IMMEDIATE THREAT TO OCCUPANTS OF  
4 A DWELLING UNIT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 12 of Chapter 160D of the General Statutes is amended by  
7 adding a new section to read:

8 "**§ 160D-1207.1. Immediate threat to occupants; inspections.**

9 (a) Notwithstanding the provisions of G.S. 160D-1207 or any other provision of law, if  
10 a complaint is filed with the inspection department by one or more residents charging there exists  
11 a safety hazard that poses an immediate threat to the occupant in a dwelling unit within the  
12 department's jurisdiction because of an unsafe, unsanitary, or otherwise hazardous or unlawful  
13 condition in the dwelling unit, the inspection department may conduct an inspection of the  
14 property to determine whether such a safety hazard in fact exists. In exercising this power,  
15 members of the inspection department shall have a right to enter on any premises within the  
16 jurisdiction of the department at all reasonable hours for the purposes of inspection, upon  
17 presentation of proper credentials. If the inspection department determines that a safety hazard  
18 posing an immediate threat to the occupant exists in a dwelling unit, the inspection department  
19 may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition,  
20 any additional dwelling units owned by the owner of the dwelling unit in the jurisdiction to  
21 determine whether that same safety hazard exists. Further, if the owner has a history of three or  
22 more violations on a dwelling unit under this section within a 12-month period, the inspection  
23 department may inspect, in the absence of a specific complaint and actual knowledge of the  
24 unsafe condition, any additional dwelling units owned by the owner of the dwelling unit in its  
25 jurisdiction to determine whether the safety hazard remains unabated.

26 (b) If the inspection department takes action against a dwelling unit under this section,  
27 the owner of the dwelling unit may appeal the decision to the housing appeals board or the zoning  
28 board of adjustment, if operating, or the planning board if created under G.S. 160D-301 or, if  
29 neither is created, the governing board of the local government. The board shall fix a reasonable  
30 time for hearing appeals, shall give due notice to the owner of the dwelling unit, and shall render  
31 a decision within a reasonable time. The owner may appear in person or by agent or attorney.  
32 The board may reverse or affirm the action, wholly or partly, or may modify the action appealed  
33 from, and may make any decision and order that in the opinion of the board ought to be made in  
34 the matter."

35 SECTION 2. This act is effective when it becomes law.

