

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 479
HOUSE BILL 808

AN ACT TO AMEND CHAPTER 119, SESSION LAWS OF 1961 TO AUTHORIZE THE CREATION AND ORGANIZATION OF A HOUSING COMMISSION TO WHICH APPEALS MAY BE TAKEN FROM THE DECISION OF THE BUILDING INSPECTOR UPON ANY PROVISION OF THE HOUSING CODE OF THE CITY OF BURLINGTON IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 119, Session Laws of 1961, is hereby amended by adding thereto a new Article entitled "2A" following Section 2, reading as follows:

"ARTICLE 2A.

"HOUSING COMMISSION

"Sec. 5.52(a) The city council may provide for the creation and organization of a housing commission to which appeals may be taken from the decision of the building inspector upon any provision of the housing code of the city.

"(b) The commission shall consist of seven members to serve for three-year overlapping terms. It shall have power to elect its own officers, to fix the times and places for its meetings, to adopt necessary rules of procedure, and to adopt all other rules and regulations not inconsistent herewith which may be necessary for the proper discharge of its duties; and it shall keep an accurate record of all its proceedings.

"(c) An appeal from any decision or order of the building inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the city. Any appeal from the building inspector to the commission shall be taken within such reasonable time as shall be prescribed by the commission by general rule and shall be taken by filing with the building inspector and with the secretary of the commission a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the building inspector shall forthwith transmit to the commission all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the building inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the building inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement of the building inspector until the hearing by the commission, unless the building inspector certifies to the commission, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of

which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted, for due cause shown and upon not less than one day's written notice to the building inspector, by the commission or by the Superior Court of Alamance County.

"(d) The commission shall fix a reasonable time for the hearing of all appeals and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The commission may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the building inspector; but the concurring vote of four members of the commission shall be necessary to reverse or modify any decision of the building inspector. The commission shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the housing code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done.

"(e) Every decision of the commission shall be subject to review by the Superior Court of Alamance County by proceedings in the nature of certiorari instituted within 15 days of the decision of the commission, but not otherwise.

"(f) If a person fails to comply with an order of the building inspector or, upon appeal, an order of the housing commission to repair, alter, improve, vacate, close or demolish a building or dwelling, the building inspector may cause such building or dwelling to be repaired, altered, improved, vacated, closed or demolished; provided that the duties of the building inspector as set forth herein shall not be exercised until the housing commission shall have, by resolution or other written decree, ordered the inspector to proceed to effectuate the above purposes with respect to the particular property or properties involved; and such order shall further provide that the amount of the costs incurred as a result of the exercise of such duties shall become a lien against the real property involved."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May 1967.