

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 1278**

Short Title: Unsafe Buildings/Repair or Demolish. (Public)

Sponsors: Representatives Jeffus, Jones, Adams (Primary Sponsors); Faison, Glazier, and Womble.

Referred to: Commerce, Small Business and Entrepreneurship, if favorable, Judiciary III.

April 3, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING MUNICIPALITIES TO ORDER OWNERS OF UNSAFE BUILDINGS OR STRUCTURES TO REPAIR RATHER THAN VACATE AND CLOSE THE BUILDINGS OR STRUCTURES TO MEET BUILDING CODE STANDARDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-428 reads as rewritten:

**"§ 160A-428. Action in event of failure to take corrective action.**

If the owner of a building or structure that has been condemned as unsafe pursuant to G.S. 160A-425.1 or G.S. 160A-426 shall fail to take prompt corrective action, the local inspector shall give him written notice, by certified or registered mail to his last known address or by personal service,

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

- a. Constitutes a fire or safety hazard.
- b. Is dangerous to life, health, or other property.
- c. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.
- d. Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

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

(3) That following the hearing, the inspector may issue such order to ~~repair, close, vacate,~~ repair or demolish the building or structure as appears appropriate.

1 If the name or whereabouts of the owner cannot after due diligence be discovered,  
2 the notice shall be considered properly and adequately served if a copy thereof is posted  
3 on the outside of the building or structure in question at least 10 days prior to the  
4 hearing and a notice of the hearing is published in a newspaper having general  
5 circulation in the city at least once not later than one week prior to the hearing."

6 **SECTION 2.** G.S. 160A-429 reads as rewritten:

7 "**§ 160A-429. Order to take corrective action.**

8 If, upon a hearing held pursuant to the notice prescribed in G.S. 160A-428, the  
9 inspector shall find that the building or structure is in a condition that constitutes a fire  
10 or safety hazard or renders it dangerous to life, health, or other property, he shall make  
11 an order in writing, directed to the owner of such building or structure, requiring the  
12 owner to remedy the defective conditions by ~~repairing, closing, vacating,~~ repairing or  
13 demolishing the building or structure or taking other necessary steps, within such  
14 period, not less than 60 days, as the inspector may prescribe; provided, that where the  
15 inspector finds that there is imminent danger to life or other property, he may order that  
16 corrective action be taken in such lesser period as may be feasible."

17 **SECTION 3.** This act applies to cities with a population of 190,000 or over,  
18 according to the most recent decennial federal census.

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