

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1235

Short Title: Residential/Nonresidential Bldg. Inspections. (Public)

Sponsors: Representative Gibson.

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

April 9, 2009

A BILL TO BE ENTITLED

AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE
BEFORE INSPECTING RESIDENTIAL AND NONRESIDENTIAL BUILDINGS OR
STRUCTURES.

The General Assembly of North Carolina enacts:

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

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

(a) The inspection department ~~shall~~may make periodic inspections, subject to the board of commissioners' directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in residential and nonresidential buildings within its territorial jurisdiction. Except as provided in subsection (b) of this section, the inspection department shall make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential or nonresidential building. For purposes of this section, the term 'reasonable cause' means: (i) the landlord or owner has a substantial history of noncompliance with the county's ordinances on unsafe buildings; (ii) there has been a report that substandard conditions exist within the building or an occupant has requested that the building be inspected; or (iii) the inspection department has actual knowledge of unsafe conditions within the building that was acquired as a result of routine business activities conducted by the county. In conducting inspections authorized under this section, the inspection department shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. In addition, it shall make any necessary inspections when it has reason to believe that such conditions may exist in a particular building. In exercising these powers, each member of the inspection department has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(b) A county may require periodic inspections under subsection (a) of this section as part of a targeted effort to respond to blighted or potentially blighted conditions within a Community Development Block Grant geographic area that has been designated by the board of commissioners, the Department of Commerce, Division of Community Assistance, or the United States Department of Housing and Urban Development."

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

"§ 160A-424. **Periodic inspections.**

(a) The inspection department ~~shall~~may make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in residential and nonresidential buildings or structures within its territorial jurisdiction. Except as provided in subsection (b) of this section, the inspection department shall make periodic



1 inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise
2 hazardous or unlawful conditions may exist in a residential or nonresidential building or
3 structure. For purposes of this section, the term 'reasonable cause' means: (i) the landlord or
4 owner has a substantial history of noncompliance with the city's ordinances on unsafe buildings
5 or structures; (ii) there has been a report that substandard conditions exist within the building or
6 structure or an occupant has requested that the building or structure be inspected; or (iii) the
7 inspection department has actual knowledge of unsafe conditions within the building or
8 structure that was acquired as a result of routine business activities conducted by the city. In
9 conducting inspections authorized under this section, the inspection department shall not
10 discriminate between single-family and multifamily buildings or structures or between
11 owner-occupied and tenant-occupied buildings or structures. In addition, it shall make
12 inspections when it has reason to believe that such conditions may exist in a particular
13 structure. In exercising this power, members of the department shall have a right to enter on
14 any premises within the jurisdiction of the department at all reasonable hours for the purposes
15 of inspection or other enforcement action, upon presentation of proper credentials.

16 (b) A city may require periodic inspections under subsection (a) of this section as part
17 of a targeted effort to respond to blighted or potentially blighted conditions within a
18 Community Development Block Grant geographic area that has been designated by the city
19 council, the Department of Commerce, Division of Community Assistance, or the United States
20 Department of Housing and Urban Development."

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