

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2009-34
HOUSE BILL 227

AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND THE CITY OF ROCKY MOUNT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN SUBSTANDARD RESIDENTIAL PROPERTY TO PROVIDE HOUSING FOR LOW AND MODERATE INCOME PERSONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 19 of Chapter 160A of the General Statutes is amended by adding the following new section to read:

§ 160A-450.1. Acquisition of property by eminent domain.

For the purpose of providing housing for low and moderate income persons, a municipality shall have the power of eminent domain to acquire vacant dwellings that have been closed for human habitation as a result of housing code violations for a minimum period of two years and to acquire the lot or tract upon which the vacant dwellings are situated. Any conveyance by the city of property acquired pursuant to this section shall contain a restriction limiting the use of that property to the provision of housing for low and moderate income persons as defined in this section. For purposes of this section, the phrase "low and moderate income" means annual gross income equal to or less than eighty percent (80%) of the median household income for the Metropolitan Statistical Area (MSA) of which the municipality is a part, adjusted for household size, and as that phrase may be revised periodically by the United States Department of Housing and Urban Development. In the exercise of its authority of eminent domain for the acquisition of property to provide housing for low and moderate income persons, the municipality shall follow the procedures prescribed in Chapter 40A of the General Statutes. The governing body of the municipality shall adopt a plan to use condemned property for low or moderate income housing prior to exercising the powers authorized under this section. The power of eminent domain under this section may be used only when the vacant dwelling would otherwise be demolished under the municipality's housing code."

SECTION 2. This act applies to the City of Winston-Salem and the City of Rocky Mount only.

SECTION 3. This act becomes effective October 1, 2009.

In the General Assembly read three times and ratified this the 26th day of May, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

