

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 471*
House Committee Substitute Favorable 7/3/01

Short Title: Minimum Housing Standards/Zoning.

(Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO APPLY A LAW CLOSING A LOOPHOLE IN THE MINIMUM
3 HOUSING STANDARDS ACT AS IT APPLIES TO MUNICIPALITIES
4 LOCATED IN COUNTIES WITH POPULATIONS IN EXCESS OF SEVENTY-
5 ONE THOUSAND PEOPLE BY THE LAST CENSUS WHERE THE OWNER
6 CAN AVOID ORDERS TO REPAIR, REMOVE, OR DEMOLISH A RENTAL
7 UNIT BY SIMPLY CLOSING IT SO THAT IT WILL APPLY IN THE
8 ENTIRETY OF A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY
9 WHERE SOME OF THE MUNICIPALITY IS LOCATED IN A COUNTY THAT
10 MEETS THE POPULATION THRESHOLD, AND TO ALLOW A CERTAIN
11 TOWN TO EXERCISE PLANNING JURISDICTION OVER A DESCRIBED
12 AREA SUBJECT TO A REFERENDUM.

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** G.S. 160A-443(5a) reads as rewritten:

15 "(5a) If the governing body shall have adopted an ordinance, or the public
16 officer shall have:

- 17 a. In a municipality located in counties which have a population in
18 excess of 71,000 by the last federal ~~census~~, census (including
19 the entirety of any municipality located in more than one county
20 at least one county of which has a population in excess of
21 71,000), other than municipalities with a population in excess of
22 190,000 by the last federal census, issued an order, ordering a
23 dwelling to be repaired or vacated and closed, as provided in
24 subdivision (3)a, and if the owner has vacated and closed such
25 dwelling and kept such dwelling vacated and closed for a period
26 of one year pursuant to the ordinance or order;

1 b. In a municipality with a population in excess of 190,000 by the
2 last federal census, commenced proceedings under the
3 substandard housing regulations regarding a dwelling to be
4 repaired or vacated and closed, as provided in subdivision (3)a.,
5 and if the owner has vacated and closed such dwelling and kept
6 such dwelling vacated and closed for a period of one year
7 pursuant to the ordinance or after such proceedings have
8 commenced,

9 then if the governing body shall find that the owner has abandoned the
10 intent and purpose to repair, alter or improve the dwelling in order to
11 render it fit for human habitation and that the continuation of the
12 dwelling in its vacated and closed status would be inimical to the
13 health, safety, morals and welfare of the municipality in that the
14 dwelling would continue to deteriorate, would create a fire and safety
15 hazard, would be a threat to children and vagrants, would attract
16 persons intent on criminal activities, would cause or contribute to
17 blight and the deterioration of property values in the area, and would
18 render unavailable property and a dwelling which might otherwise
19 have been made available to ease the persistent shortage of decent and
20 affordable housing in this State, then in such circumstances, the
21 governing body may, after the expiration of such one year period,
22 enact an ordinance and serve such ordinance on the owner, setting
23 forth the following:

24 a. If it is determined that the repair of the dwelling to render it fit
25 for human habitation can be made at a cost not exceeding fifty
26 percent (50%) of the then current value of the dwelling, the
27 ordinance shall require that the owner either repair or demolish
28 and remove the dwelling within 90 days; or

29 b. If it is determined that the repair of the dwelling to render it fit
30 for human habitation cannot be made at a cost not exceeding
31 fifty percent (50%) of the then current value of the dwelling, the
32 ordinance shall require the owner to demolish and remove the
33 dwelling within 90 days.

34 This ordinance shall be recorded in the Office of the Register of Deeds
35 in the county wherein the property or properties are located and shall
36 be indexed in the name of the property owner in the grantor index. If
37 the owner fails to comply with this ordinance, the public officer shall
38 effectuate the purpose of the ordinance.

39 This subdivision only applies to municipalities located in counties
40 which have a population in excess of 71,000 by the last federal ~~census~~
41 census (including the entirety of any municipality located in more than

1 one county at least one county of which has a population in excess of
2 71,000)."

3 **SECTION 2.(a)** The Town of Elon may exercise the powers granted by
4 Article 19 of Chapter 160A of the General Statutes in the following described area:

5 BEGINNING at a point in the line between Guilford County and Alamance County, the
6 said point being 400 feet north of the center of South Church Street (U.S. 70) and
7 running thence along the agreement line between the City of Burlington and the Town
8 of Elon to a point in the northern right-of-way line of MacArthur Lane; thence in a
9 northerly direction with the eastern line of Parcel 4G as shown on Alamance County
10 Tax Map 3-5, 915.29 feet to the said Parcel 4G's northeast corner; thence in a northerly
11 direction along the rear lines of Parcels No. 4H and No. 4J as shown on Alamance
12 County Tax Map No. 3-5, 1,268.16 feet to the northwest corner of said Parcel No. 4J;
13 thence continuing in a northerly direction 200 feet to the MacArthur Lane Sanitary
14 Sewer Outfall; thence in a northwesterly direction, with the center of MacArthur Lane
15 Sanitary Sewer Outfall approximately 4,145 feet to the Dry Creek Sanitary Sewer
16 Outfall; thence in an easterly direction with the center of Dry Creek Sanitary Sewer
17 Outfall to the rear corner between Parcel No. 66 and Parcel No. 65 as shown on
18 Alamance County Tax Map No. 3-2, an approximate distance of 1,150 feet; thence in a
19 northeasterly direction along the rear lines of Parcel Numbers 65, 64, and 67 as shown
20 on Alamance County Tax Map No. 3-2, 420.3 feet to Parcel No. 17 as shown on
21 Alamance County Tax Map No. 3-1; thence in a northeasterly direction along the
22 western property lines of Parcel Numbers 17 and 18 (crossing N.C. 1529) as shown on
23 Alamance County Tax Map 3-1, approximately 2,700 feet to the Haw River; running
24 thence along the center of Haw River in a northwesterly direction as it meanders
25 approximately 14,300 feet to a point in the center of Haw River; thence crossing Haw
26 River in a westerly direction approximately 145 feet to a point on the west bank of Haw
27 River and corner between Parcel Nos. 21 and 43 of Tax Map 3-52; running thence along
28 the northern line of Parcel Nos. 19 and 21 of Tax Map 3-52 point 1,375.01 feet to a
29 point corner between Parcel Nos. 19 and 43 of Tax Map 3-52 and in the eastern line of
30 Parcel No. 34 of Tax Map 3-52A; running thence along the eastern line of Parcel No. 34
31 of Tax Map 3-52A in a northerly direction 194.16 feet to a point and being the northeast
32 corner of Parcel No. 34 of Tax Map 3-52A; running thence along the northern line of
33 Parcel Nos. 34, 33, 30, and 72 of Tax Map 3-52A in a westerly direction approximately
34 2,600 feet to a point corner with Parcel No. 18E; running thence along the eastern line
35 of Parcel No. 18E in a northwesterly direction to a point; running thence along the
36 northwestern line of Parcel No. 18E of Tax Map 3-52 in a southwesterly direction to a
37 point in the center of NC Highway No. 87; running thence along the center of NC
38 Highway No. 87 in a northwesterly direction approximately 400 feet to a point corner
39 with Ossipee Sanitary District; running thence along the Ossipee Sanitary District
40 445.25 feet to a point in the line of Parcel No. 40 of Tax Map 3-52; thence continuing
41 along the Ossipee Sanitary District line in a northerly direction approximately 140 feet
42 to a point corner between Parcel Nos. 40 and 5B of Tax Map 3-52; running thence along

1 the southern line of Parcel No. 5B in a northwesterly direction 907.7 feet to a point in
2 the center of Elon-Ossipee Road; thence along the center of Elon-Gibsonville Road
3 approximately 100 feet to a point; thence running along the northern line of Parcel No. 4
4 of Tax Map 3-52 in a westerly direction approximately 1,262 feet to a point in the
5 Guilford County line; running thence along the Guilford County line in a southerly
6 direction to a point in the center of Midway Church Road; running thence along the
7 center of Midway Church Road in an easterly direction to the centerline intersection of
8 Midway Church Road and Gibsonville-Ossipee Road; running thence along the center
9 of Gibsonville-Ossipee Road in a southerly direction where it intersects the Town of
10 Gibsonville ETJ line; running thence along the ETJ line between the Town of
11 Gibsonville and the Town of Elon to the POINT OF BEGINNING.

12 **SECTION 2.(b)** In exercising the powers granted by subsection (a) of this
13 section, the Town of Elon need not follow the procedural requirements of G.S.
14 160A-360(a1), 160A-364, or 160A-384 or any statute other than G.S. 160A-75 in the
15 initial adoption of a zoning ordinance, but if those requirements are not followed, any
16 such ordinance shall expire 90 days after its adoption and any zoning ordinance to apply
17 after the expiration of that period must be adopted in accordance with those statutes.

18 **SECTION 2.(c)** Upon the petition of thirty-five percent (35%) of the
19 registered voters in the area described in subsection (a) of this section, the Alamance
20 County Board of Elections shall call an election in the described area on the question of
21 continued exercise of planning jurisdiction by the Town of Elon in that area. The
22 Alamance County Board of Elections shall set the date of the election, which shall be
23 conducted in accordance with Chapter 163 of the General Statutes. The Town of Elon
24 shall reimburse the county for the cost of the election. At that election, unless a
25 majority of the votes cast are in favor of the question of continued exercise of planning
26 jurisdiction by the Town of Elon in that area, the jurisdiction of the city is relinquished
27 as of the date of certification of the election results, and the provisions of G.S.
28 160A-360(f1) apply.

29 **SECTION 3.** This act is effective when it becomes law. Section 2(c) of this
30 act expires July 1, 2003.