

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 683

Short Title: Residential Building Inspections.

(Public)

Sponsors: Senators Hunt; Blake, Brock, Forrester, Hise, and Tillman.

Referred to: Commerce.

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE
3 BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 153A-364. Periodic inspections for hazardous or unlawful conditions.**

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

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

32 (c) In no event may a county require a special registration of residential rental property
33 or levy a special fee or tax on residential rental property that is not levied against other
34 commercial rental properties."

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

36 "**§ 160A-424. Periodic inspections.**



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

20 (b) A city may require periodic inspections under subsection (a) of this section as part
21 of a targeted effort to respond to blighted or potentially blighted conditions within a geographic
22 area designated by the city council, the Department of Commerce, Division of Community
23 Assistance, or the United States Department of Housing and Urban Development for
24 improvement under a Community Development Block Grant.

25 (c) In no event may a city require a special registration of residential rental property or
26 levy a special fee or tax on residential rental property that is not levied against other
27 commercial rental properties."

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