



HOUSE BILL 530: Counties/Condemnation of Unsafe Bldgs/Liens.

2017-2018 General Assembly

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| Committee: | Senate Rules and Operations of the Senate | Date: | June 27, 2017 |
| Introduced by: | Reps. Lewis, Sauls, Willingham | Prepared by: | Amy Darden Staff Attorney |
| Analysis of: | First Edition | | |

OVERVIEW: House Bill 530 would grant counties the same authority provided to cities in condemnation actions by allowing counties to do the following:

- Condemn nonresidential buildings or structures, and residential buildings if an ordinance is adopted, under certain conditions.
- Remove or demolish unsafe buildings or structures.
- Place a lien on real property of the owner for the cost of removal or demolition.

CURRENT LAW: Counties have authority to condemn unsafe buildings that appear to the county inspector to be especially dangerous to life because of its liability to fire, bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other reasons.

BILL ANALYSIS: House Bill 530 would conform Chapter 153A (Counties) with Chapter 160A (Cities) of the General Statutes with regard to condemnation actions and requirements.

Condemnation of Buildings or Structures:

The bill would allow counties to condemn nonresidential buildings and structures within a community development target area¹ if the county inspector determines the property to be vacant or abandoned, and in such a dilapidated condition that the property causes or contributes to blight, disease, vagrancy, fire, or safety hazard, is a danger to children, or may attract criminal, or other public nuisance, activities. This authority may be extended to cover residential buildings through ordinance.

If a property is condemned due to its unsafe condition, the inspector must conspicuously post notice of the unsafe condition on the exterior wall of the property. The bill also makes conforming changes to the statute requiring written notice be sent to a property owner that fails to correct the unsafe condition.

Removal or Demolition of Condemned Property and Lien Authorized:

If a building or structure is condemned due to its unsafe condition, the county would be authorized to remove or demolish the building. The cost incurred to remove or demolish the property would become a lien on that real property. An additional lien would also be placed against all real property in the county owned by the owner of the demolished building, except for the owner's primary residence. This additional lien would be inferior to prior liens and collected as a money judgment. The county must sell any usable materials of the building and any personal property, fixtures or appurtenances found in or on

¹ The term "community development target area" means an area that has characteristics of an urban progress zone under G.S. 143B-437.09, a "nonresidential redevelopment area" under G.S. 160A-503(10), or an area with similar characteristics designated by the board of commissioners as being in special need of revitalization for the benefit and welfare of its citizens.

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Director



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the building and credit any amount against the cost of demolition. Any balance remaining would be deposited with the clerk of superior court and disbursed to the person entitled to it upon final order or decree of the court.

EFFECTIVE DATE: This act would be effective when law.

Nicholas Giddings, Staff Attorney, substantially contributed to this summary.