

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 227  
Committee Substitute Favorable 3/25/09

Short Title: Winston-Salem/Acquire Substandard Dwellings. (Local)

Sponsors:

Referred to:

February 23, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND THE CITY OF ROCKY  
3 MOUNT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE  
4 CERTAIN SUBSTANDARD RESIDENTIAL PROPERTY TO PROVIDE HOUSING  
5 FOR LOW AND MODERATE INCOME PERSONS.

6 The General Assembly of North Carolina enacts:

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

9 **"§ 160A-450.1. Acquisition of property by eminent domain.**

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

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

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

