

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

3

SENATE BILL 683
Commerce Committee Substitute Adopted 6/8/11
Finance Committee Substitute Adopted 6/9/11

Short Title: Residential Building Inspections.

(Public)

Sponsors:

Referred to:

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. Except as provided in
10 subsection (b) of this section, the inspection department may make periodic inspections only
11 when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or
12 unlawful conditions may exist in a residential building or structure. For purposes of this
13 section, the term 'reasonable cause' means any of the following: (i) the landlord or owner has a
14 history of more than two verified violations of the housing ordinances or codes within a
15 12-month period; (ii) there has been a complaint that substandard conditions exist within the
16 building or there has been a request that the building be inspected; (iii) the inspection
17 department has actual knowledge of an unsafe condition within the building; or (iv) violations
18 of the local ordinances or codes are visible from the outside of the property. In conducting
19 inspections authorized under this section, the inspection department shall not discriminate
20 between single-family and multifamily buildings. In addition, it shall make any necessary
21 inspections when it has reason to believe that such conditions may exist in a particular building.
22 In exercising these powers, each member of the inspection department has a right, upon
23 presentation of proper credentials, to enter on any premises within the territorial jurisdiction of
24 the department at any reasonable hour for the purposes of inspection or other enforcement
25 action.

26 (b) A county may require periodic inspections as part of a targeted effort within a
27 geographic area that has been designated by the county commissioners. The county shall not
28 discriminate in its selection or areas or properties to be targeted and shall (i) provide notice to
29 all owners and residents of properties in the affected area about the periodic inspections plan
30 and information regarding a public hearing regarding the plan; (ii) hold a public hearing
31 regarding the plan; and (iii) establish a plan to address the ability of low-income residential
32 property owners to comply with minimum housing code standards.

33 (c) In no event may a county do any of the following: (i) adopt or enforce any
34 ordinance that would require any owner or manager of rental property to obtain any permit or
35 permission from the county to lease or rent residential real property, except for those properties



1 that have more than three verified violations in a 12-month period; (ii) require that an owner or
2 manager of residential rental property enroll or participate in any governmental program as a
3 condition of obtaining a certificate of occupancy; or (iii) except as provided in subsection (d) of
4 this section, levy a special fee or tax on residential rental property that is not also levied against
5 other commercial and residential properties.

6 (d) A county may levy a fee for residential rental property registration under subsection
7 (c) of this section for those properties which have been found with more than two verified
8 violations of local ordinances within the previous 12 months. The fee shall be an amount that
9 covers the cost of operating a residential registration program and shall not be used to supplant
10 revenue in other areas. Counties using registration programs that charge registration fees for all
11 residential rental properties as of June 1, 2011, may continue levying a fee on all residential
12 rental properties as follows:

- 13 (1) For properties with 20 or more residential rental units, the fee shall be no
14 more than fifty dollars (\$50.00) per year.
15 (2) For properties with fewer than 20 but more than three residential rental units,
16 the fee shall be no more than twenty-five dollars (\$25.00) per year.
17 (3) For properties with three or fewer residential rental units, the fee shall be no
18 more than fifteen dollars (\$15.00) per year."

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

20 **"§ 160A-424. Periodic inspections.**

21 (a) The inspection department ~~shall~~ may make periodic inspections, subject to the
22 council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in
23 buildings or structures within its territorial jurisdiction. Except as provided in subsection (b) of
24 this section, the inspection department may make periodic inspections only when there is
25 reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful
26 conditions may exist in a residential building or structure. For purposes of this section, the term
27 'reasonable cause' means any of the following: (i) the landlord or owner has a history of more
28 than two verified violations of the housing ordinances or codes within a 12-month period; (ii)
29 there has been a complaint that substandard conditions exist within the building or there has
30 been a request that the building be inspected; (iii) the inspection department has actual
31 knowledge of an unsafe condition within the building; or (iv) violations of the local ordinances
32 or codes are visible from the outside of the property. In conducting inspections authorized
33 under this section, the inspection department shall not discriminate between single-family and
34 multifamily buildings. ~~In addition, it shall make inspections when it has reason to believe that~~
35 ~~such conditions may exist in a particular structure.~~ In exercising this power, members of the
36 department shall have a right to enter on any premises within the jurisdiction of the department
37 at all reasonable hours for the purposes of inspection or other enforcement action, upon
38 presentation of proper credentials.

39 (b) A city may require periodic inspections as part of a targeted effort within a
40 geographic area that has been designated by the city council. The municipality shall not
41 discriminate in its selection or areas or properties to be targeted and shall (i) provide notice to
42 all owners and residents of properties in the affected area about the periodic inspections plan
43 and information regarding a public hearing regarding the plan; (ii) hold a public hearing
44 regarding the plan; and (iii) establish a plan to address the ability of low-income residential
45 property owners to comply with minimum housing code standards.

46 (c) In no event may a city do any of the following: (i) adopt or enforce any ordinance
47 that would require any owner or manager of rental property to obtain any permit or permission
48 from the city to lease or rent residential real property, except for those properties that have
49 more than three verified violations in a 12-month period; (ii) require that an owner or manager
50 of residential rental property enroll or participate in any governmental program as a condition
51 of obtaining a certificate of occupancy; or (iii) except as provided in subsection (d) of this

1 section, levy a special fee or tax on residential rental property that is not also levied against
2 other commercial and residential properties.

3 (d) A city may levy a fee for residential rental property registration under subsection (c)
4 of this section for those properties which have been found with more than two verified
5 violations of local ordinances within the previous 12 months. The fee shall be an amount that
6 covers the cost of operating a residential registration program and shall not be used to supplant
7 revenue in other areas. Cities using registration programs that charge registration fees for all
8 residential rental properties as of June 1, 2011, may continue levying a fee on all residential
9 rental properties as follows:

10 (1) For properties with 20 or more residential rental units, the fee shall be no
11 more than fifty dollars (\$50.00) per year.

12 (2) For properties with fewer than 20 but more than three residential rental units,
13 the fee shall be no more than twenty-five dollars (\$25.00) per year.

14 (3) For properties with three or fewer residential rental units, the fee shall be no
15 more than fifteen dollars (\$15.00) per year."

16 **SECTION 3.** G.S. 153A-360 reads as rewritten:

17 **"§ 153A-360. Inspections of work in progress.**

18 (a) As the work pursuant to a permit progresses, local inspectors shall make as many
19 inspections of the work as may be necessary to satisfy them that it is being done according to
20 the provisions of the applicable State and local laws and local ordinances and regulations and
21 of the terms of the permit. In exercising this power, each member of the inspection department
22 has a right, upon presentation of proper credentials, to enter on any premises within the
23 territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or
24 other enforcement action.

25 (b) In no event may a county require inspections of residential buildings or structures
26 that are additional to those required by the North Carolina Building Code Council without first
27 obtaining approval from the Council. The Council shall review all applications for inspections
28 greater than those required by the Council and shall, in a timely manner, approve or disapprove
29 the additional inspections, except that the county may require any additional inspection where
30 unforeseen or unique circumstances exist and require immediate action."

31 **SECTION 4.** 160A-420 reads as rewritten:

32 **"§ 160A-420. Inspections of work in progress.**

33 (a) As the work pursuant to a permit progresses, local inspectors shall make as many
34 inspections thereof as may be necessary to satisfy them that the work is being done according
35 to the provisions of any applicable State and local laws and of the terms of the permit. In
36 exercising this power, members of the inspection department shall have a right to enter on any
37 premises within the jurisdiction of the department at all reasonable hours for the purposes of
38 inspection or other enforcement action, upon presentation of proper credentials.

39 (b) In no event may a city require inspections of residential buildings or structures that
40 are additional to those required by the North Carolina Building Code Council without first
41 obtaining approval from the Council. The Council shall review all applications for inspections
42 greater than those required by the Council and shall, in a timely manner, approve or disapprove
43 the additional inspections, except that the city may require any additional inspection where
44 unforeseen or unique circumstances exist and require immediate action."

45 **SECTION 5.** This act is effective when it becomes law.