

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1653

Short Title: Durham Housing.

(Local)

Sponsors: Senators Gulley; and Lucas.

Referred to: Local Government and Regional Affairs.

June 1, 1994

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM TO
2 AUTHORIZE THE ACQUISITION OF PROPERTY THAT FAILS TO MEET
3 THE MINIMUM HOUSING CODE IN ORDER TO PROVIDE HOUSING FOR
4 PERSONS WITH LOW OR MODERATE INCOMES.
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6 The General Assembly of North Carolina enacts:

7 Section 1. The Charter of the City of Durham, being Chapter 671, 1975
8 Session Laws, is amended by adding the following new section:

9 "Sec. 74.1. Acquisition of Property by Eminent Domain.

10 (a) In order to provide housing for persons of low and moderate income, the City
11 shall have the power of eminent domain to acquire property on which is located a
12 dwelling which the City Council or Housing Appeals Board has ordered to be either
13 vacated and closed or removed or demolished.

14 (b) The City shall not institute an action to acquire property pursuant to this
15 section until at least 30 days after the date of recording, in the office of the Register of
16 Deeds, of the order by the City Council or Housing Appeals Board which ordered that
17 the dwelling be either vacated and closed or removed or demolished.

18 (c) Before exercising the authority granted to it by this section, the City Council
19 shall authorize a program to use condemned property for housing for persons of low and
20 moderate income. The program shall: (i) include or identify sources of financing
21 adequate to demolish or rehabilitate the dwellings acquired pursuant to this section; (ii)
22 designate the geographical areas in which the program will be conducted; and (iii)
23 describe other activities being conducted by or on behalf of the City of Durham within
24 those areas to address housing needs or persons of low and moderate income.

1 (d) The provisions of Chapter 40A of the General Statutes shall apply to the
2 exercise of the power of eminent domain authorized by this section. Vesting of title to
3 the property taken under this section and right to possession thereto shall occur pursuant
4 to the provisions of G.S. 40A-42(b).

5 (e) The initiation of an action to acquire property by eminent domain shall not
6 prevent the City from exercising the powers granted to it by Part 6 of Article 19 of the
7 General Statutes, as amended by this Charter and local act, with respect to the property
8 that is the subject of the eminent domain action.

9 (f) Limitations or prohibitions, in any provision of general law, on the use or
10 disposition of property acquired by eminent domain, including but not limited to G.S.
11 160A-279 and G.S. 160A-457, shall not apply to property acquired pursuant to this
12 section. Buildings acquired pursuant to this section may be deemed to be 'private
13 buildings' for purposes of any program of assistance and financing of rehabilitation and
14 construction undertaken by the City principally for the benefit of low- and moderate-
15 income persons.

16 (g) The authority contained in this section is in addition to and not in limitation
17 of any other authority granted by this Charter or any other law."

18 Sec. 2. This act is effective upon ratification.