

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE DRS35219-MH-44 (03/09)

Short Title: Residential Building Inspections.

(Public)

Sponsors: Senator Hunt.

Referred to:

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:



1 **"§ 160A-424. Periodic inspections.**

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

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

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

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