

## Repair of Nonresidential Buildings: NC Local Government Authority

Regulation / Order	NCGS Authority	Statutory standards	Recoup costs
<b>Green Condition: Good condition but vacant</b>			
 <p>Ordinance could require:</p> <ul style="list-style-type: none"> <li>Vacant property registration</li> </ul>	<p><b>160A-174 &amp; 153A-121</b> (General ordinance-making power) <b>160A-194 &amp; 153A-134</b> (Regulating businesses)</p>	<p>“<u>detrimental</u> to the health, safety, or welfare of its citizens and the peace and dignity” of the city/county</p>	<ul style="list-style-type: none"> <li>- Admin fee</li> <li>- Decriminalized civil penalty (GS 160A-175)</li> </ul>
<b>Yellow Condition: Obviously vacant or visible maintenance deficiencies (not dangerous or hazardous)</b>			
 <p>Ordinance could require:</p> <ul style="list-style-type: none"> <li>Keep bldg. appearance in good repair</li> <li>Exhibit no evidence of vacancy</li> </ul> <p>Failure to comply, obtain:</p> <ul style="list-style-type: none"> <li>Injunction or</li> <li>Court order of abatement</li> </ul> <p>Gov’t may effectuate if owner cited for contempt for failing to comply with court order</p>	<p><b>160A-174 &amp; 153A-121</b> (General ordinance-making power) <b>160A-194 &amp; 153A-134</b> (Regulating businesses)</p> <p>In urban redevelopment area: “program of compulsory repair” and “loans therefor” <b>160A-503 &amp; 160A-512 via 160A-456 &amp; 153A-376</b></p>	<ul style="list-style-type: none"> <li>“<u>detrimental</u> to the health, safety, or welfare of its citizens and the peace and dignity” of the city/county</li> <li><i>State v. Jones</i> (1982): “<u>aesthetic</u> considerations may constitute a valid basis for the exercise of the police power” if public benefit outweighs private harm: <ul style="list-style-type: none"> <li>“protection of property values”</li> <li>“preservation of the character and integrity of the community”</li> <li>“promotion of the comfort, happiness, and emotional stability of area residents”</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Admin fee</li> <li>- Decriminalized civil penalty (GS 160A-175)</li> <li>- Costs of executing court order are mechanic’s lien on property (GS 160A-175)</li> </ul>
<b>Red Condition: Building is dangerous or hazardous but can be repaired at reasonable cost</b>			
 <p>May order repair only if:</p> <ul style="list-style-type: none"> <li><b>160A-439:</b> “dangerous and injurious” bldg. with repair cost &lt;50% bldg. value” (EXCEPT manuf. &amp; warehousing)</li> <li><b>160A-441:</b> “abandoned structure” that is a “hazard” with repair cost that is “reasonable” as determined by local government</li> </ul>	<p><b>160A-439</b> (Nonresidential Buildings) - Counties: 153A-372.1</p> <p><b>160A-441</b> (Minimum Housing for any “abandoned” structure that is a “hazard”) - Counties: 160A-442(1)</p> <p>In urban redevelopment area: “program of compulsory repair” and “loans therefor” <b>160A-503 &amp; 160A-512 via 160A-456 &amp; 153A-376</b></p>	<p><b>160A-439:</b> Repair cost LESS than 50% building value &amp; “standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures.” OR <b>160A-441:</b> Repair cost is “reasonable” (% defined by local govt per GS 160A-443) for “...any abandoned structure which [is] a health or safety hazard [for enumerated reasons].”</p>	<ul style="list-style-type: none"> <li>- Admin fee</li> <li>- Civil penalty authorized under GS 160A-439 but NOT 160A-441</li> <li>- Costs become lien collected as special assessment</li> <li>- Costs also lien on owner’s other property within city (but not home)</li> </ul>
<b>Black &amp; Blue Condition: Building in need of demolition or removal</b>			
 <p>Ordinance can be enacted “to prevent the demolition by neglect of any designated landmark or any [structure] within an established historic district.”</p>	<p><b>160A-400.14</b> (Delay in demolition of landmarks and buildings in historic district) - Counties: 160A-400.2</p> <p><b>40A-3(b)(8)</b> (Eminent domain)</p>	<p>Governing board may establish standards and requirements but ordinance shall “provide appropriate safeguards to protect property owners from undue economic hardship.”</p>	<p>General authority to enforce &amp; effectuate ordinances (same as yellow condition) (GS 160A-175)</p>