





Repair of Nonresidential Buildings: NC Local Government Authority

Regulation / Order	NCGS Authority	Statutory standards	Recoup costs
Green Condition: Good condition but vacant			
 <p>Ordinance could require:</p> <ul style="list-style-type: none"> Vacant property registration 	<p>160A-174 & 153A-121 (General ordinance-making power) 160A-194 & 153A-134 (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"> - Admin fee - Decriminalized civil penalty (GS 160A-175)
Yellow Condition: Obviously vacant or visible maintenance deficiencies (not dangerous or hazardous)			
 <p>Ordinance could require:</p> <ul style="list-style-type: none"> Keep bldg. appearance in good repair Exhibit no evidence of vacancy <p>Failure to comply, obtain:</p> <ul style="list-style-type: none"> Injunction or Court order of abatement <p>Gov’t may effectuate if owner cited for contempt for failing to comply with court order</p>	<p>160A-174 & 153A-121 (General ordinance-making power) 160A-194 & 153A-134 (Regulating businesses)</p> <p>In urban redevelopment area: “program of compulsory repair” and “loans therefor” 160A-503 & 160A-512 via 160A-456 & 153A-376</p>	<ul style="list-style-type: none"> “<u>detrimental</u> to the health, safety, or welfare of its citizens and the peace and dignity” of the city/county <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"> “protection of property values” “preservation of the character and integrity of the community” “promotion of the comfort, happiness, and emotional stability of area residents” 	<ul style="list-style-type: none"> - Admin fee - Decriminalized civil penalty (GS 160A-175) - Costs of executing court order are mechanic’s lien on property (GS 160A-175)
Red Condition: Building is dangerous or hazardous but can be repaired at reasonable cost			
 <p>May order repair only if:</p> <ul style="list-style-type: none"> 160A-439: “dangerous and injurious” bldg. with repair cost <50% bldg. “value” (EXCEPT manuf. & warehousing) 160A-441: “abandoned structure” that is a “hazard” with repair cost that is “reasonable” as determined by local government 	<p>160A-439 (Nonresidential Buildings) - Counties: 153A-372.1</p> <p>160A-441 (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” 160A-503 & 160A-512 via 160A-456 & 153A-376</p>	<p>160A-439: Repair cost LESS than 50% building value & “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 160A-441: 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"> - Admin fee - Civil penalty authorized under GS 160A-439 but NOT 160A-441 - Costs become lien collected as special assessment - Costs also lien on owner’s other property within city (but not home)
Black & Blue Condition: Building in need of demolition or removal			
 <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>160A-400.14 (Delay in demolition of landmarks and buildings in historic district) - Counties: 160A-400.2</p> <p>40A-3(b)(8) (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 & effectuate ordinances (same as yellow condition) (GS 160A-175)</p>