

Information Item

Date: May 11, 2021

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Angela I. Carmon, City Attorney
Takeisha Redd, Assistant City Attorney

Subject:

Ordinance Amending Chapter 10, Article V, Division 1 Entitled “Housing Code” of the Code of the City of Winston-Salem

Strategic Focus Area: Livable Neighborhoods

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



In July 2019, the North Carolina General Assembly recodified and updated the city and county development regulations, including the minimum housing code statutes, in Chapter 160D of the North Carolina General Statutes. Due to the pandemic, the deadline for local adoption of changes was delayed to June 30, 2021. The attached ordinance amendment incorporates said changes, along with additional ones for clarification and operational purposes, into the city’s minimum housing code (“MHC”).

The changes are described in the attached MHC 160D Chart. In summary, the ordinance amendment, consistent with 160D:

- (a) redefines the types of orders that the housing conservation administrator may enter. Most notably, the option to vacate and close a property is limited to situations in which continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. Otherwise, the option to vacate and close a property is not available. In theory, this should result in more properties being repaired.

- (b) requires, in the case of noncompliance, City Council to adopt ordinance directing the housing conservation administrator to carry out the purposes of the MHC by causing a specific property or properties to be repaired, altered, or improved and to post the property or properties with an unfit for human habitation sign. This may increase the number of code cases submitted to City Council for the adoption of an ordinance.

In addition to the foregoing, the amendment also defines certain terms for clarification and operational purposes such as agent, person, and maintenance. The ordinance amendment also provides a process for cancelling or reducing MHC liens, which are mainly demolition liens/assessments, for affordable housing purposes, provided the owner agrees to execute and record a 30-year declaration of restrictive covenants and conditions restricting the use of said property for said purpose.