

**Minimum Housing
9512 Pembroke Road**

Description and Purpose

Pursuant to the Town of Huntersville Minimum Housing Code §150.16(C)(4); *In rem remedy*, the Board of Commissioners is hereby notified of a proposed Ordinance to order the following described dwelling to be vacated and closed as provided in an Administrative Order dated May 27, 2015, and pending such action to placard the dwelling as provided by §150.18 and NCGS §160A-443.

Real Estate Conditions and Administrative Process

The subject property is located at 9512 Pembroke Road, Huntersville North Carolina, and is owned by David A. Current and wife, Jeree B. Current, who acquired the property by Deed dated August 2, 1995, which is of record in the Register of Deeds Office Mecklenburg County North Carolina in Deed Book 8244, at Page 584. The Tax Parcel ID# is 015-252-12.

This property has a history of complaints under the Minimum Housing Code beginning in 2010 when a complaint was made by a neighboring resident. Mecklenburg County Code Enforcement contacted the property owners who failed or refused to respond to the Notice of Violation requesting that exterior repairs be made to the dwelling. On October 12, 2012, a Notice of Violation was issued by the County to request that the property owners correct exterior conditions. The owners again failed or refused to respond or take any corrective action to improve the dwelling. Conditions of the property continued to worsen with time.

On February 5, 2015, the property owners were served with a Notice of Violation and given ten (10) days to respond to address the conditions of the dwelling. No responsive action was made by the owners to contact the Inspector, or correct the violations. On March 11, 2015, a full inspection was made and there were conditions in need of correction that were found and identified. The dwelling failed inspection with a grade of 31%, which classified the dwelling as deteriorate and in need of repairs. Some of the structural conditions can be found in the rear of the house where windows and floor joists are removed. There are rooms full of furniture and debris with missing drywall and doors. There are areas where studs are exposed to the elements. The dwelling has no water and working bathroom present. There are numerous areas in the dwelling that have exposed wiring.

On May 26, 2015, a hearing was held at Town Center, 105 Gilead Road, 3rd Floor. The property owners were given notice of such hearing, and did not appear. The Housing Code Administrator found that the subject property violated the Town of Huntersville Minimum Housing Code under numerous Sections, including but not limited to the following:

1. Standards of Fitness for Dwelling and Dwelling Units by violating Sections 4, 5, 7, 8 and 9;
2. Structural Standards and Conditions;
3. Basic Equipment and Facilities;
4. Space and Use;

5. Safety and Sanitary Maintenance; and
6. Control of Insects and Rodents.

The subject dwelling was determined deteriorated and unfit for human habitation and the property owners were ordered to vacate and close the dwelling no later than June 27, 2015. On May 27, 2015 a written Order was entered by the Housing Code Administrator and was served upon the property owners in accordance with said Code.

As of this time, the property owners have not closed and secured the dwelling; thereby, willfully failing or refusing to comply with the Order to close and vacate entered by the Housing Administrator. It is alleged that the property is being occupied by a family member in unsafe, and hazardous conditions which is also in violation of the Administrative Order.

The Housing Administrator has set a time and date for hearing in this matter to modify the Order so that the property owners are required to repair the dwelling prior to any future occupancy. Pending the vacating, closing and placarding of the property the owners will be given reasonable time to repair and bring the property into compliance.

Staff Recommendation

Pursuant to §150.16(C)(4), “After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (1), the Inspector shall submit to the governing body an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending such removal or demolition, to placard such dwelling as provided by G.S. §160A-443 and §150.17 of this chapter.”

Staff recommends adoption of an Ordinance to order the real property located at 9512 Pembroke Road be closed and vacated in accordance with the Minimum Housing Code and Article 19, Part 6, Chapter 160A of the North Carolina General Statutes; and that the dwelling be posted on its main entrance with the following words, “This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.”

A lien shall be placed against the real property by filing in the Clerk’s Office of the Superior Court of Mecklenburg County, North Carolina for the amount of cost of any vacating and closing caused to be made or done pursuant to §150.20, and NCGS §160A, Article 10.

Attachments

General Warranty Deed
Notice of Violations
Photographs taken in 2013
Grading Scale Report
Order Entered May 27, 2015
Draft Ordinance