City of Asheville Staff Report

City Council Meeting Date: September 8, 2026

Staff Resources: Ben Woody, Assistant City Manager

Action Requested: Adoption of an ordinance amending Chapter 4 of the Code Of Ordinances of the City of Asheville by adding a new Section 4-209(c) in order to provide additional protections for tenants from unsafe dwelling conditions.

Background:

- The Asheville Area Tenants Union is requesting the City Council consider an amendment to the Asheville Housing Code to make it unlawful to collect rent if a dwelling contains a life safety/unsafe condition.
- This action will add new and heightened protections for tenants exposed to unsafe conditions.
- These protections are intended to assist tenants stay in their homes while ensuring that those dwellings are safe and fit for habitation.
- Four other North Carolina municipalities have enacted similar amendments to their housing codes. This includes Charlotte, Pineville, Pittsboro, and most recently Durham.
- Staff is supporting the development of agenda materials, but this ordinance is not staff initiated nor is staff providing a recommendation.

Vendor Outreach: n/a

Council Vision 2036 Focus Area(s):

- A clean, safe and healthy environment
- Quality Affordable Housing

Council Priority Recovery Area(s):

- Housing

Committee(s): n/a

Fiscal Impact: none.

Suggested Motion:

- Motion to adopt an ordinance amending Chapter 4 of the Code Of Ordinances of the City of Asheville by adding a new Section 4-209(C) in order to provide additional protections for tenants from unsafe dwelling conditions

Attachment(s):

- Ordinance

City of Asheville Ordinance Number _____

Ordinance Amending Chapter 4 of the Code Of Ordinances of the City Of Asheville By Adding A New Section 4-209(C) In Order To Provide Additional Protections For Tenants From Unsafe Dwelling Conditions

Whereas, pursuant to N.C. Gen. Stat. § 160A-174, the City of Asheville may define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens; and

Whereas, the City of Asheville has previously adopted Sec. 4-209(a) of the Asheville Code of Ordinances which defines the conditions resulting in a dwelling being unfit for human occupancy, unsafe, and representing a threat to life or property; and

Whereas, individuals who occupy dwellings as tenants possess fewer options to address these dangerous conditions; and

Whereas, tenants exposed to living conditions which present a clear and significant risk to their health, safety and welfare should be afforded protections when property owners fail to rectify these deficiencies; and

Whereas, the City now desires to further strengthen the associated protections for tenants exposed to the conditions described in the aforementioned Sec. 4-209(a);

Now, therefore, be it ordained by the City Council of the City of Asheville that:

Section 1: Chapter 4, Article VII of the Code of Ordinances of the City of Asheville is hereby amended as follows:

1. Repeal Section 4-209 in its entirety and replace it with the following:

Sec. 4-209. Life safety/unsafe conditions.

(a) The code enforcement officer shall determine that a dwelling is unfit for human occupancy, unsafe, and represents a threat to life or property, if any of the following conditions exist:

(1) Lack of or inadequate potable water service;

(2) Presence of raw sewage or open sewer inside the dwelling, whether from broken, plugged or inoperative fixtures or pipes inside the dwelling, or migrating into the dwelling from outside;

(3) Improperly operating or no sanitary facilities;

(4) Lack of or inadequate hot water supply;

(5) Lack of or inadequate operating heating facilities between November 1 and March 30 of any year;

(6) Chimney not safe for intended use;

(7) Lack of or unsafe electrical system;

(8) Nonfunctioning or missing smoke detector(s);

(9) Address not visible from the public street;

(10) Failing or failed primary structural members that threaten the stability of the dwelling and/or visible structural defects that appear to render the structural members ineffective;

(11) The dwelling is a physical threat due to immediate risk of collapse;

(12) Missing roof, or part of roof missing;

(13) The means of exit or escape in the event of fire or other emergency is blocked or structurally unsafe;

(14) An excessive internal accumulation of items or garbage that block exits, overloads the structural floor system, or creates an unhealthy condition;

(15) Interior wall sheathing or sheeting that is not present, or has been removed to a point where there is little or no protection from spread of fire from story to story, or from other habitable spaces to bedrooms;

(16) Occupancy of habitable space that does not meet below-grade occupancy standards;

(17) Presence of uncontained flammable or combustible liquids or gases, poisonous solids, liquids, gases, life or health threatening depletion of oxygen;

(18) Multiple violations of the standards set forth in section 4-210.

(b) The code enforcement officer shall give priority enforcement to any dwelling that falls within the provisions of section 4-209.

(c) It shall be unlawful for the owner of a dwelling to collect rent from a tenant who occupies the dwelling at the time it becomes unfit for human occupancy, unsafe, and represents a threat

to life or property, or to permit any other person to begin occupancy of such a dwelling. A dwelling shall be subject to this provision if any of the conditions contained in Sec.4-209(a) exist.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved and adopted this 8th day of September, 2026.

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Esther E. Manheimer, Mayor

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Brad Branham, City Attorney

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Magdalen Burleson, City Clerk