

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 612
HOUSE BILL 1207

AN ACT TO ALLOW A LANDLORD TO DELIVER PROPERTY ABANDONED
BY A TENANT TO A NONPROFIT ORGANIZATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 42-25.9 is amended by adding a new subsection (d) to read as follows:

"(d) If any tenant abandons personal property of five hundred dollar (\$500.00) value or less in the demised premises, or fails to remove such property at the time of execution of a writ of possession in an action for summary ejectment, the landlord may, as an alternative to the procedures provided in G.S. 42-36.2 or G.S. 44A-2(e), deliver the property into the custody of a nonprofit organization regularly providing free or at a nominal price clothing and household furnishings to people in need, upon that organization agreeing to identify and separately store the property for 30 days and to release the property to the tenant at no charge within the 30-day period. A landlord electing to use this procedure shall immediately post at the demised premises a notice containing the name and address of the property recipient, post the same notice for 30 days or more at the place where rent is received, and send the same notice by first class mail to the tenant at the tenant's last known address. Provided, however, that the notice shall not include a description of the property."

Sec. 2. G.S. 42-25.9 is further amended by adding a new subsection (e) to read as follows:

"(e) For purposes of subsection (d), personal property shall be deemed abandoned if the landlord finds evidence that clearly shows the premises has been voluntarily vacated after the paid rental period has expired and the landlord has no notice of a disability that caused the vacancy. A presumption of abandonment shall arise 10 or more days after the landlord has posted conspicuously a notice of suspected abandonment both inside and outside the premises and has received no response from the tenant."

Sec. 3. G.S. 42-25.9 is further amended by adding a new subsection (f) to read as follows:

"(f) Any nonprofit organization agreeing to receive personal property under subsection (d) shall not be liable to the owner for a disposition of such property provided that the property has been separately identified and stored for release to the owner for a period of 30 days."

Sec. 4. G.S. 42-25.9(b) is amended by adding on line 4 after "44A-2(e)" the words "or 42-25.9(d)".

Sec. 5. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 4th day of July, 1985.