

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 951

Short Title: Intent to Eject Notice.

(Public)

Sponsors: Representatives Mercer; and Colton.

Referred to: Human Resources.

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A LANDLORD TO NOTIFY THE COUNTY DEPARTMENT OF SOCIAL SERVICES BEFORE FILING AN ACTION FOR SUMMARY EJECTMENT.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 42 of the General Statutes is amended by adding a new section to read:

"§ 42-26.1. Landlord must notify department of social services in certain cases.

(a) Before a lessor or landlord may file a complaint pursuant to G.S. 42-26(2) to eject a tenant or lessee for nonpayment of rent under his lease, the landlord shall notify the department of social services in the county where the tenant or lessee resides that he is preparing to file an action for summary ejectment of the tenant or lessee.

(b) If the department of social services, or any other agency working in cooperation with the department of social services, pays or tenders the rent within five days of the notification required by subsection (a), the landlord shall accept the payment and may not request the issuance of a summons by the clerk. If, after the filing of an action to recover the premises for nonpayment of rent, the department of social services, or any agency working in cooperation with the department of social services, pays or tenders the rent due and the costs of the action, all further proceedings in the action shall cease.

(c) The payment of rent pursuant to subsection (b) of this section shall not affect the right of a lessor or landlord to file an action upon a subsequent nonpayment of rent, provided that the lessor or landlord provides the notice required by subsection (a) of this section."

1 Sec. 2. The Department of Human Resources shall adopt rules in
2 consultation with the county departments of social services for the implementation of
3 this act, including methods for establishing and maintaining information regarding other
4 State and local agencies, funds, and loan programs that may be available to pay a
5 tenant's rent pursuant to this act.

6 Sec. 3. This act becomes effective October 1, 1991, and applies to ejectment
7 actions brought on or after that date.