

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 98

Short Title: Evictions/Public Housing.

(Public)

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Sponsors: Representatives Black, Lemmond (cosponsors); Easterling, Yongue, Nichols, C. Wilson, Sexton, Bowman, Hall, Ives, and Creech.

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Referred to: Rules, Calendar, and Operations of the House.

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February 14, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR EXPEDITED EVICTION ACTIONS IN CERTAIN HOUSING AUTHORITY CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 157-29 is amended by adding a new subsection to read:

"(e) In any summary ejection action authorized under Chapter 42 of the General Statutes arising out of a lease termination described in this subsection, an authority may file with the clerk of superior court at any time prior to a hearing before the magistrate, a demand that the action not be heard and decided by the magistrate but instead be assigned for trial at the first session of the district court after the filing of the demand, as in the case of appeals pursuant to G.S. 42-34(a) and subject to the same discretion afforded the presiding judge under that section. The authority may exercise its election under this subsection only in cases involving termination of a rental agreement for (i) criminal activity that threatens the health, safety, or right to peaceful enjoyment of the authority's public housing premises by other residents or employees of the authority, or (ii) any drug-related criminal activity on or near such premises, by (in either case) the tenant or tenant's family member, visitor, or guest. Upon assignment to the district court, the case shall be handled and disposed of in the same manner as an appeal from the magistrate, in accordance with all relevant provisions of Chapters 7A and 42 of the General Statutes."

Sec. 2. This act becomes effective July 1, 1994.