

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

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HOUSE BILL 330  
Committee Substitute Favorable 3/23/95  
Third Edition Engrossed 4/3/95

Short Title: Winston-Salem Code Process.

(Local)

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Sponsors:

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Referred to:

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March 1, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM, THE CITY OF  
2 GASTONIA, AND THE CITY OF FAYETTEVILLE TO REQUIRE OWNERS OF  
3 RENTAL PROPERTY IN THOSE CITIES TO AUTHORIZE AN AGENT TO  
4 ACCEPT SERVICE OF PROCESS, AND TO CLARIFY THE AUTHORITY OF  
5 THE CITIES OF DURHAM AND ASHEVILLE TO DO THE SAME.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. The Board of Aldermen of the City of Winston-Salem may, by  
9 ordinance, require that each owner of rental property within the city authorize a person  
10 residing in Forsyth County to serve as the owner's agent for the purpose of accepting  
11 service of process in an action involving a violation of an ordinance adopted under Parts  
12 5 or 6 of Article 19 of Chapter 160A of the General Statutes. The owner shall provide,  
13 on a form supplied by the Housing Services Department, the authorized agent's name,  
14 address, and phone number and shall notify the Housing Services Department of any  
15 changes in the information provided not less than 10 days after such changes occur.  
16 Nothing in this section shall require an owner to designate an agent to accept service of  
17 process where the owner of the rental property resides within Forsyth County.

1           Sec. 2. The City Council of the City of Gastonia may, by ordinance, require  
2 that each owner of rental property within the city authorize a person residing in Gaston  
3 County to serve as the owner's agent for the purpose of accepting service of process in an  
4 action involving a violation of an ordinance adopted under Parts 5 or 6 of Article 19 of  
5 Chapter 160A of the General Statutes. The owner shall provide, on a form supplied by  
6 the Housing Services Department, the authorized agent's name, address, and phone  
7 number and shall notify the Housing Services Department of any changes in the  
8 information provided not less than 10 days after such changes occur. Nothing in this  
9 section shall require an owner to designate an agent to accept service of process where  
10 the owner of the rental property resides within Gaston County.

11           Sec. 3. Section 1 of Chapter 261 of the 1993 Session Laws reads as rewritten:

12           "Section 1. The Charter of the City of Durham, the same being Chapter 671, 1975  
13 Session Laws, as amended, is amended by adding the following new section:

14           'Sec. 102.5. **Owner of rental property shall authorize agent to accept service of**  
15 **process.** – The City Council may, by ordinance, require that each owner of rental  
16 property within the city authorize a person residing in ~~the city~~ Durham County or a county  
17 bordering Durham County to serve as his or her agent for the purpose of accepting  
18 service of process; that the owner provide, on a form supplied by the Housing Services  
19 Department, the authorized agent's name, address, and phone number; and that the owner  
20 notify the Housing Services Department of any changes in the information provided not  
21 less than 10 days after such changes have occurred. Nothing in this section shall require  
22 an owner to designate an agent to accept service of process where the owner of the rental  
23 property resides within ~~the city~~ Durham County."

24           Sec. 4. Section 2 of Chapter 651 of the 1993 Session Laws reads as rewritten:

25           "Sec. 2. (a) The City Council may, by ordinance, require that each owner of  
26 rental property within the city authorize a person residing in ~~the city~~ Buncombe County to  
27 serve as his or her agent for the purpose of accepting service of process in an action  
28 involving a violation of an ordinance adopted under Parts 5 or 6 of Article 19 of Chapter  
29 160A of the General Statutes. The owner shall provide, on a form supplied by the city  
30 clerk, the authorized agent's name, address, and telephone number. The owner shall  
31 notify the city clerk of any changes in the information provided not less than 10 days  
32 after such changes have occurred. Nothing in this section requires an owner to designate  
33 an agent to accept service of process where the owner of the rental property resides  
34 within ~~the city~~ Buncombe County.

35           (b) This section applies to the City of Asheville only."

36           Sec. 4.1. The City Council of the City of Fayetteville may, by ordinance,  
37 require that each owner of rental property within the city authorize a person residing in  
38 Cumberland County to serve as the owner's agent for the purpose of accepting service of  
39 process in an action involving a violation of an ordinance adopted under Parts 5 or 6 of  
40 Article 19 of Chapter 160A of the General Statutes. The owner shall provide, on a form  
41 supplied by the Housing Services Department, the authorized agent's name, address, and  
42 phone number, and shall notify the Housing Services Department of any changes in the  
43 information provided not less than 10 days after such changes occur. Nothing in this

1 section shall require an owner to designate an agent to accept service of process where  
2 the owner of the rental property resides within Cumberland County.

3           Sec. 5. This act is effective upon ratification.