

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 320
HOUSE BILL 330

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

The General Assembly of North Carolina enacts:

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

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

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

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

"Sec. 102.5. **Owner of rental property shall authorize agent to accept service of process.** – The City Council may, by ordinance, require that each owner of rental property within the city authorize a person residing in ~~the city~~ Durham County or a county bordering Durham County to serve as his or her agent for the purpose of accepting service of process; that the owner provide, on a form supplied by the Housing

Services Department, the authorized agent's name, address, and phone number; and that the owner notify the Housing Services Department of any changes in the information provided not more than 10 days after such changes have occurred. Nothing in this section shall require an owner to designate an agent to accept service of process where the owner of the rental property resides within ~~the city-~~Durham County."

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

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

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

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

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 21st day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives