

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1012
Committee Substitute Favorable 5/14/91

Short Title: Clarify Landlord/Tenant Law.

(Public)

Sponsors:

Referred to:

April 19, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY CERTAIN PORTIONS OF LANDLORD AND TENANT
3 LAW.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 44A-2(e) reads as rewritten:

6 "(e) Any lessor of a house, room, apartment, mobile home, office, store or other
7 demised premises has a lien on all furniture, household furnishings, trade fixtures,
8 equipment and other personal property, except clothes, food, and medicine, to which the
9 tenant has legal title and which remains on the demised premises if (i) the tenant has
10 vacated the premises for 21 or more days after the paid rental period has ~~expired~~,
11 expired (in case of ejection, the 21 days start after the sheriff has padlocked the
12 premises), and (ii) the lessor has a lawful claim for damages against the tenant. If the
13 tenant has vacated the premises for 21 or more days after the expiration of the paid
14 rental period, or if the lessor has received a judgment for possession of the premises
15 which is executable and the tenant has vacated the premises, then all property remaining
16 on the premises may be removed and placed in storage. If the total value of all property
17 remaining on the premises is less than one hundred dollars (\$100.00), then it shall be
18 deemed abandoned five days after the tenant has vacated the premises, and the lessor
19 may remove it and may donate it to any charitable institution or organization. Provided,
20 the lessor shall not have a lien if there is an agreement between the lessor or his agent
21 and the tenant that the lessor shall not have a lien. This lien shall be for the amount of
22 any rents which were due the lessor at the time the tenant vacated the premises and for
23 the time, up to 60 days, from the vacating of the premises to the date of sale; and for any

1 sums necessary to repair damages to the premises caused by the tenant, normal wear
2 and tear excepted; and for reasonable costs and expenses of sale. The lien created by
3 this subsection shall be enforced only by sale at public sale pursuant to the provisions of
4 G.S. 44A-4(e). This lien shall not have priority over any security interest in the personal
5 property which is perfected at the time the lessor acquires this lien."

6 Sec. 2. This act becomes effective October 1, 1991.