

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 741
SENATE BILL 507

AN ACT TO PROHIBIT OBTAINING HOUSING ASSISTANCE BY
MISREPRESENTATION AND TO AUTHORIZE EVICTION OF TENANTS FOR
FAILURE TO PAY RENT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 157 of the General Statutes is amended by adding after G.S. 157-29 a new section to read:

"§ 157-29.1. **Fraudulent misrepresentation.**—(a) Any person whether provider or recipient, or person representing himself as such, who willfully and knowingly and with intent to deceive makes a false statement or representation or who willfully and knowingly and with intent to deceive fails to disclose a material fact and as a result of making a false statement or representation or failing to disclose a material fact obtains, for himself or another person, attempts to obtain for himself or another person, or continues to receive housing assistance in the amount or value of not more than four hundred dollars (\$400.00) is guilty of a misdemeanor, and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court.

(b) Any person whether provider or recipient, or person representing himself as such, who willfully and knowingly and with intent to deceive makes a false statement or representation or who willfully and knowingly and with intent to deceive fails to disclose a material fact and as a result of making a false statement or representation or failing to disclose a material fact obtains, for himself or another person, or continues to receive housing assistance in the amount or value of more than four hundred dollars (\$400.00) is guilty of a Class I felony.

(c) As used in this section the word 'person' means person, association, consortium, body politic, partnership, or other group, entity, or organization."

Sec. 2. G.S. 157-29 is amended as follows:

- (1) by deleting the word "and" at the end of the second subdivision (3);
- (2) by deleting the period at the end of subdivision (4) and substituting "; and"; and
- (3) by adding after subdivision (4) a new subdivision to read:

"(5) It shall not terminate or refuse to renew a rental agreement other than for a serious or repeated violation of a material term of the rental agreement such as (i) failure to make payments due under the rental agreement, if such payments were properly and promptly calculated according to applicable HUD regulations, without regard to fault on the part of the tenant, (ii) failure to fulfill the tenant obligations set forth in 24 C.F.R. § 866.4(f) as it may be amended from time to time, or (iii) other good

cause. Except in the case of failure to make payments due under a rental agreement, fault on the part of a tenant may be considered in determining whether good cause exists to terminate a rental agreement."

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.