

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 542
HOUSE BILL 1181

AN ACT TO AUTHORIZE A MAGISTRATE TO ORDER REMOVAL FROM A
DWELLING FOUND UNFIT FOR HUMAN HABITATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-443 is further amended by adding a new subdivision to read:

"(7) If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing body pursuant to subdivision (5) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing body has ordered the public officer to proceed to exercise his duties under paragraphs 4 and 5 of this section to vacate and close or remove and demolish the dwelling."

Sec. 2. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 3rd day of July, 1987.