

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 693

Short Title: Change Eviction Periods.

(Public)

Sponsors: Senator Kincaid.

Referred to: Judiciary I.

April 18, 1991

A BILL TO BE ENTITLED

AN ACT TO SHORTEN CERTAIN TIME PERIODS CONTAINED IN THE  
PROCEDURE FOR EVICTING TENANTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 42-3 reads as rewritten:

**"§ 42-3. Term forfeited for nonpayment of rent.**

In all verbal or written leases of real property of any kind in which is fixed a definite time for the payment of the rent reserved therein, there shall be implied a forfeiture of the term upon failure to pay the rent within ~~10~~ five days after a demand is made by the lessor or his agent on said lessee for all past-due rent, and the lessor may forthwith enter and dispossess the tenant without having declared such forfeiture or reserved the right of reentry in the lease."

Sec. 2. G.S. 42-28 reads as rewritten:

**"§ 42-28. Summons issued by clerk.**

When the lessor or his assignee files a complaint pursuant to G.S. 42-26 or 42-27, and asks to be put in possession of the leased premises, the clerk of superior court shall issue a summons requiring the defendant to appear at a certain time and place not to exceed ~~10~~ five days from the issuance of the summons to answer the complaint. The plaintiff may claim rent in arrears, and damages for the occupation of the premises since the cessation of the estate of the lessee, not to exceed two thousand dollars (\$2,000), but if he omits to make such claim, he shall not be prejudiced thereby in any other action for their recovery."

Sec. 3. This act is effective upon ratification and applies to leases entered into on or after that date.