

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 737
SENATE BILL 779

AN ACT TO REGULATE RENTAL HOUSING LISTING SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 66-143 is amended by adding the following new subsection to read:

"(c) Notwithstanding subsections (a) and (b) of this section, a rental referral agency may charge or retain from any deposit a fee, not to exceed twenty dollars (\$20.00), even if the prospective tenant fails to obtain rental housing through its assistance, provided that the following conditions are met:

- (1) Any and all advertising for the rental referral agency discloses in a clear and conspicuous manner the agency's name, the fact that it is a 'rental referral agency' using that term, and the fact that it charges a fee; and
- (2) If a prospective tenant contacts the rental referral agency in response to an advertisement for a specific property listed by the agency and inquires about that property, the rental referral agency shall neither collect a fee nor obtain the prospective tenant's signature on a contract without first verifying that the advertised property remains available and disclosing to the prospective tenant whether or not it is still available.

(d) Prospective tenants shall apply in writing for a refund no sooner than 30 days after the date of the contract and no later than one year after the date of the contract. If the prospective tenant does not apply for a refund before one year has elapsed, the fee shall be deemed earned by the rental referral agency and may be removed from the trust account."

Sec. 2. G.S. 66-144(a) reads as rewritten:

"(a) A rental referral agency shall not make any representation that any property is available for rent unless availability has been verified by the agency within 48 hours prior to the representation. ~~The availability of property described in media advertisements shall be verified within 48 hours prior to the appearance of the advertisement.~~ The availability of property described in media advertisements shall be verified within eight hours before being submitted to the advertising medium and in no event earlier than 96 hours prior to publication of the advertisement."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives