

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 445

Short Title: Expedite Public Housing Evict./AB.

(Public)

Sponsors: Representatives McMahan; Clary, Davis, Dickson, Earle, Easterling, Eddins, Gardner, Ives, Kiser, Lemmond, McComas, McLaughlin, K. Miller, Pulley, Redwine, Reynolds, Russell, Sexton, Snowden, Thompson, and C. Wilson.

Referred to: Rules, Calendar and Operations of the House.

March 9, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR EXPEDITED EVICTION ACTIONS IN CERTAIN
2 PUBLIC HOUSING AUTHORITY CASES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 157-29 is amended by adding a new subsection to read:

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6 "(d) In any summary ejectment action authorized under Chapter 42 of the General
7 Statutes arising out of a lease termination described in this subsection, an authority may
8 file with the clerk of superior court at any time prior to a hearing before the magistrate a
9 demand that the action not be heard and decided by the magistrate but instead be assigned
10 for trial at the first session of the district court after the filing of the demand, as in the
11 case of appeals pursuant to G.S. 42-34(a) and subject to the same discretion afforded the
12 presiding judge under that section. The authority may exercise its election under this
13 subsection only in cases involving termination of a rental agreement for the following
14 activities of a tenant or a tenant's family member, visitor, or guest:

15 (1) Criminal activity that threatens the health, safety, or right to peaceful
16 enjoyment of the authority's public housing premises by other residents
17 or employees of the authority; or

1 (2) Any drug-related criminal activity on or near the authority's public
2 housing premises.

3 Upon assignment to the district court, the case shall be handled and disposed of in the
4 same manner as an appeal from the magistrate, in accordance with all relevant provisions
5 of Chapters 7A and 42 of the General Statutes."

6 Sec. 2. This act becomes effective July 1, 1995.