

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 330

Committee Substitute Favorable 3/23/95

Third Edition Engrossed 4/3/95

Senate Local Government and Regional Affairs Committee Substitute Adopted 4/13/95

Short Title: Winston-Salem Process.

(Local)

Sponsors:

Referred to:

March 1, 1995

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM AND THE CITY OF GASTONIA TO REQUIRE OWNERS OF RENTAL PROPERTY IN THOSE CITIES TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS, AND TO CLARIFY THE AUTHORITY OF THE CITIES OF DURHAM AND ASHEVILLE TO DO THE SAME.

The General Assembly of North Carolina enacts:

Section 1. The Board of Aldermen of the City of Winston-Salem may, by ordinance, require that each owner of rental property within the city authorize a person residing in Forsyth County to serve as the owner's agent for the purpose of accepting service of process in an action involving a violation of an ordinance adopted under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes. The owner shall provide, on a form supplied by the Housing Services Department, the authorized agent's name, address, and phone number, and shall notify the Housing Services Department of any changes in the information provided not more than 10 days after such changes occur. Nothing in this section shall require an owner to designate an agent to accept service of process where the owner of the rental property resides within Forsyth County.

1 Sec. 2. The Board of Aldermen of the City of Gastonia may, by ordinance,
2 require that each owner of rental property within the city authorize a person residing in
3 Gaston County to serve as the owner's agent for the purpose of accepting service of
4 process in an action involving a violation of an ordinance adopted under Parts 5 or 6 of
5 Article 19 of Chapter 160A of the General Statutes. The owner shall provide, on a form
6 supplied by the Housing Services Department, the authorized agent's name, address, and
7 phone number, and shall notify the Housing Services Department of any changes in the
8 information provided not more than 10 days after such changes occur. Nothing in this
9 section shall require an owner to designate an agent to accept service of process where
10 the owner of the rental property resides within Gaston County.

11 Sec. 3. Section 1 of Chapter 261 of the 1993 Session Laws reads as rewritten:

12 "Section 1. The Charter of the City of Durham, the same being Chapter 671, 1975
13 Session Laws, as amended, is amended by adding the following new section:

14 "Sec. 102.5. **Owner of rental property shall authorize agent to accept service of**
15 **process.** – The City Council may, by ordinance, require that each owner of rental
16 property within the city authorize a person residing in ~~the city~~ Durham County or a county
17 bordering Durham County to serve as his or her agent for the purpose of accepting
18 service of process; that the owner provide, on a form supplied by the Housing Services
19 Department, the authorized agent's name, address, and phone number; and that the owner
20 notify the Housing Services Department of any changes in the information provided not
21 more than 10 days after such changes have occurred. Nothing in this section shall require
22 an owner to designate an agent to accept service of process where the owner of the rental
23 property resides within ~~the city~~ Durham County."

24 Sec. 4. Sec. 2 of Chapter 651 of the 1993 Session Laws reads as rewritten:

25 "Sec. 2. (a) The City Council may, by ordinance, require that each owner of
26 rental property within the city authorize a person residing in ~~the city~~ Buncombe County to
27 serve as his or her agent for the purpose of accepting service of process in an action
28 involving a violation of an ordinance adopted under Parts 5 or 6 of Article 19 of Chapter
29 160A of the General Statutes. The owner shall provide, on a form supplied by the city
30 clerk, the authorized agent's name, address, and telephone number. The owner shall
31 notify the city clerk of any changes in the information provided not more than 10 days
32 after such changes have occurred. Nothing in this section requires an owner to designate
33 an agent to accept service of process where the owner of the rental property resides
34 within ~~the city~~ Buncombe County.

35 (b) This section applies to the City of Asheville only."

36 Sec. 5. This act is effective upon ratification.