

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 438

Committee Substitute Reported Without Prejudice 4/20/99

Senate Judiciary II Committee Substitute Adopted 7/14/99

Short Title: Housing Authority Exemption.

(Public)

Sponsors:

Referred to:

March 15, 1999

A BILL TO BE ENTITLED

AN ACT EXEMPTING HOUSING AUTHORITIES FROM REAL ESTATE
LICENSURE REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 93A-2(c) reads as rewritten:

"(c) The provisions of this Chapter shall not apply to and shall not include:

(1) Any person, partnership, corporation, limited liability company, association, or other business entity who, as owner or lessor, shall perform any of the acts aforesaid with reference to property owned or leased by them, where the acts are performed in the regular course of or as incident to the management of that property and the investment ~~therein;~~ therein.

(2) Any person acting as an attorney-in-fact under a duly executed power of attorney from the owner authorizing the final consummation of performance of any contract for the sale, lease or exchange of real ~~estate;~~ estate.

(3) The acts or services of an ~~attorney at law;~~ attorney-at-law.

- 1 (4) Any person, while acting as a receiver, trustee in bankruptcy, guardian,
2 administrator or executor or any person acting under order of any ~~court~~;
3 court.
- 4 (5) Any person, while acting as a trustee under a trust agreement, deed of
5 trust or will, or his regular salaried ~~employees;~~ employees.
- 6 (6) Any salaried person employed by a licensed real estate broker, for and
7 on behalf of the owner of any real estate or the improvements thereon,
8 which the licensed broker has contracted to manage for the owner, if the
9 salaried employee is limited in his employment to: exhibiting units on
10 the real estate to prospective tenants; providing the prospective tenants
11 with information about the lease of the units; accepting applications for
12 lease of the units; completing and executing preprinted form leases; and
13 accepting security deposits and rental payments for the units only when
14 the deposits and rental payments are made payable to the owner or the
15 broker employed by the owner. The salaried employee shall not
16 negotiate the amount of security deposits or rental payments and shall
17 not negotiate leases or any rental agreements on behalf of the owner or
18 ~~broker;~~ or broker.
- 19 (7) Any owner who personally leases or sells his own property.
- 20 (8) Any housing authority organized in accordance with the provisions of
21 Chapter 157 of the General Statutes and any regular salaried employees
22 of the housing authority when performing acts authorized in this
23 Chapter as to any property owned or leased by the housing authority.
24 This exception shall not apply to any person, partnership, corporation,
25 limited liability company, association, or other business entity that
26 contracts with a housing authority to sell or manage property owned or
27 leased by the housing authority."

28 Section 2. Article 1 of Chapter 157 of the General Statutes is amended to add a
29 new section to read:

30 "**§ 157-26.1. Exemption from real estate licensure requirements.**

31 The authority and the regular salaried employees of the authority shall be exempt
32 from the requirements of Chapter 93A of the General Statutes as provided in G.S. 93A-
33 2(c)(8)."

34 Section 3. This act is effective when it becomes law.