

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 1011

Short Title: Avoid Unnecessary Evictions.

(Public)

Sponsors: Representatives Barnes; and Colton.

Referred to: Commerce.

April 19, 1991

A BILL TO BE ENTITLED

1 AN ACT TO AVOID UNNECESSARY EVICTIONS BY CLARIFYING AND
2 MODERNIZING THE PROCEDURES FOR THE CURING OF DEFAULTS ON
3 RENT.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 42-33 reads as rewritten:

7 "**§ 42-33. Rent and costs tendered by tenant.**

8 (a) If, in any action brought to recover the possession of demised premises upon
9 a forfeiture for the nonpayment of rent, the tenant, or someone acting on behalf of the
10 tenant, before judgment given in such action, pays or tenders the rent ~~due~~ due, any
11 legitimate late fee, and the costs of the action, all further proceedings in such action
12 shall cease. If the plaintiff further prosecutes his action, and the defendant pays into
13 court for the use of the plaintiff a sum equal to that which shall be found to be due, and
14 the costs, to the time of such payment, or to the time of a tender and refusal, if one has
15 occurred, the defendant shall recover from the plaintiff all subsequent costs; the plaintiff
16 shall be allowed to receive the sum paid into court for his use, and the proceedings shall
17 be stayed.

18 (b) The tenant may exercise the rights of curing the default for nonpayment of
19 rent in subsection (a) at any stage of the action prior to final judgment, including during
20 the pendency of an appeal from the judgment of a magistrate for a new trial in the
21 district or superior court.

22 (c) If a landlord has obtained a final judgment for possession of demised
23 premises, the time for appeal has expired, and the tenant nevertheless pays to the

- 1 landlord all rents, legitimate late fees, and costs through the date of judgment, the
2 judgment and any writ for possession shall be void and unenforceable."
3 Sec. 2. This act becomes effective October 1, 1991.