

# NORTH CAROLINA GENERAL ASSEMBLY

## LEGISLATIVE FISCAL NOTE

**BILL NUMBER:** HB 1064

**SHORT TITLE:** Housing Authority Amendments

**SPONSOR(S):** Representative Fox

### FISCAL IMPACT

Yes ( )          No ( )          No Estimate Available (X)

FY 1997-98   FY 1998-99   FY 1999-00   FY 2000-01   FY 2001-02

**Judicial**

**No estimate available**

**PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:** Judicial Branch

**EFFECTIVE DATE:** October 1, 1997

**BILL SUMMARY:** *TO ALLOW A HOUSING AUTHORITY TO TERMINATE OR FAIL TO RENEW A LEASE IF A TENANT ENGAGES IN CRIMINAL ACTIVITY ON OR NEAR THE PREMISES AND TO ALLOW CERTAIN SUMMARY EJECTMENT ACTIONS INITIATED BY A HOUSING AUTHORITY TO BE HELD IN DISTRICT COURT INSTEAD OF A MAGISTRATE'S COURT* . Substantially similar to S 982, introduced 4/21/97, except deletes provision of current law allowing eviction for "other good cause."

**ASSUMPTIONS AND METHODOLOGY:** Judicial Department

This legislation amends GS 157-29(c) to allow a housing authority to terminate or refuse to renew a lease in instances where a tenant is: 1) engaging in criminal activity that threatens the health and safety of other housing authority tenants, or 2) engaging in illegal drug activity on or near the premises. In addition, the bill adds a section which allows the housing authority to file a petition with the clerk of court requesting that the summary ejectment be tried in district court, prior to a hearing before a magistrate.

The Judicial Department does not have any reliable information to estimate the fiscal impact of this bill. The Department's civil case processing system shows that magistrates heard 263,392 cases statewide in FY 1995-96. The civil case processing system, however, cannot breakdown the number of cases relating specifically to summary ejectments. Thus, there is no way to determine how many summary ejectment cases relating to housing authorities are heard by magistrates in a given year. The potential impact of this bill is the shifting of these summary ejectment cases from magistrates to district court. It is possible that hearing these cases in district court would not provide a significant increase in workload, especially since some of the housing authority cases heard

by magistrates are ultimately appealed to district court by tenants. However, since data are unavailable to estimate the number of summary ejection cases, no precise fiscal impact can be determined at this time.

**SOURCES OF DATA:** Judicial Department

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION**

**733-4910**

**PREPARED BY:** Charles Perusse

**APPROVED BY:** Tom L. Covington **TomC**

**DATE:** April 28, 1997



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