

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

2

HOUSE BILL 1243
Committee Substitute Favorable 5/12/05

Short Title: Manufactured Homes/Good Faith Evictions.

(Public)

Sponsors:

Referred to:

April 18, 2005

A BILL TO BE ENTITLED

AN ACT REQUIRING GOOD FAITH CAUSE FOR THE EVICTION OF TENANTS
RENTING SPACE FOR RESIDENTIAL MANUFACTURED HOMES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 42-14 reads as rewritten:

"§ 42-14. Notice to quit in certain tenancies.

A tenancy from year to year may be terminated by a notice to quit given one month or more before the end of the current year of the tenancy; a tenancy from month to month by a like notice of seven days; a tenancy from week to week, of two days. Provided, however, where the tenancy involves only the rental of a space for a manufactured home as defined in G.S. 143-143.9(6), home, as defined in G.S. 143-143.9(6), for residential use, a notice to quit must be given at least 30 days before the end of the current rental period, regardless of the term of the tenancy. the tenancy may be terminated by the landlord only for the reasons provided in G.S. 42-26(c)."

SECTION 2. G.S. 42-26 reads as rewritten:

"§ 42-26. Tenant holding over may be dispossessed in certain cases.

(a) Any tenant or lessee of any house or land, and the assigns under the tenant or legal representatives of such tenant or lessee, except where the tenancy involves only the rental of a space for a manufactured home, as defined in G.S. 143-143.9(6), for residential use, who holds over and continues in the possession of the demised premises, or any part thereof, without the permission of the landlord, and after demand made for its surrender, may be removed from such premises in the manner hereinafter prescribed in any of the following cases:

- (1) When a tenant in possession of real estate holds over after his term has expired.
- (2) When the tenant or lessee, or other person under him, has done or omitted any act by which, according to the stipulations of the lease, his estate has ceased.

1 (3) When any tenant or lessee of lands or tenements, who is in arrear for
2 rent or has agreed to cultivate the demised premises and to pay a part
3 of the crop to be made thereon as rent, or who has given to the lessor a
4 lien on such crop as a security for the rent, deserts the demised
5 premises, and leaves them unoccupied and uncultivated.

6 (b) An arrearage in costs owed by a tenant for water or sewer services pursuant to
7 G.S. 62-110(g) shall not be used as a basis for termination of a lease under this Chapter.
8 Any payment to the landlord shall be applied first to the rent owed and then to charges
9 for water or sewer service, unless otherwise designated by the tenant.

10 (c) The termination of a lease by the landlord where the tenancy involves only
11 the rental of a space for a manufactured home, as defined in G.S. 143-143.9(6), for
12 residential use shall be in writing and provided to the tenant or lessee at least three
13 business days prior to filing a summary ejectment action and shall be for one or more of
14 the following reasons:

15 (1) When the tenant or lessee, or other person under the tenant or lessee,
16 has done or omitted any act by which, according to the stipulations of
17 the lease, the estate of the tenant or lessee estate has ceased.

18 (2) When the tenant or lessee, or other person under the tenant or lessee,
19 has failed to pay rent as provided in G.S. 42-3.

20 (3) When the tenant or lessee, or other person under the tenant or lessee,
21 has committed an act that is the basis for eviction under Article 7 of
22 this Chapter.

23 (4) When there is a condemnation or change of use of the land as provided
24 in G.S. 42-14.3, if the landlord complies with the provisions of that
25 section.

26 (5) When the tenant or lessee unreasonably refuses to enter into a renewal
27 lease agreement."

28 **SECTION 3.** This act is effective when it becomes law.