



HOUSE BILL 803: Landlord Liability Changes.

2017-2018 General Assembly

Committee:	House Judiciary III	Date:	April 24, 2017
Introduced by:	Reps. Hardister, Ross, Goodman, Richardson	Prepared by:	Kristen L. Harris Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: *House Bill 803 would address the relationship between a residential tenant's criminal record and a landlord's liabilities and make changes to the laws regarding the removal of a decedent's personal property from a leased premises.*

CURRENT LAW: Article 7 of Chapter 42 [Landlord and Tenant] of the General Statutes is entitled "Expedited Eviction of Drug Traffickers and Other Criminals".

Pursuant to G.S. 28A-25-7, when a decedent who is the sole occupant of a leased unit dies and leaves personal property in the unit, the landlord may take possession of the property under certain circumstances.

BILL ANALYSIS:

LANDLORD LIABILITY

Section 1.(a) would provide that a tenant's criminal record would not affect the foreseeability of any future injury or damage caused by him or her, and that a landlord would have no duty to screen a potential renter's criminal history or refuse to rent to a person because of his or her criminal record.

REMOVAL OF A DECEDENT'S PERSONAL PROPERTY FROM A LEASED PROPERTY

Section 2.(a) would allow the public administrator or heir of a tenant that dies without a will, who has presented a proper affidavit, to remove and dispose of the decedent's personal property from a leased premises. **Section 2.(b)** would allow for the same process, but for a tenant that dies with a will.

Section 1.(b) and Section 2.(c) would allow a landlord to dispose of a deceased tenant's personal property and be discharged and released from such acts at the direction of an affiant (as described in **Section 2.(a)**). The landlord would not be required to authenticate the information in the affidavit.

EFFECTIVE DATE: Section 1 of this act is effective when it becomes law. The remainder of this act is effective when it becomes law and applies to affidavits submitted on or after that date.

BACKGROUND: In *Davenport v. D.M. Rental Properties, Inc.*, the N.C. Court of Appeals found that the altercation between two tenants at a mobile home park was not foreseeable and that there was no duty on a landlord to screen potential tenants and no liability for failing to evict a tenant.

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