



# HOUSE BILL 803: Landlord Liability Changes.

2017-2018 General Assembly

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

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**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.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578