



## Important NC Lease Law Changes

A recent changes has been enacted by the NC General Assembly ([Senate Bill 1924](#) and [Senate Bill 661](#)) that is important for anyone renting residential property.

The changes enacted in those bills deal with the following for leases entered into on or after October 1, 2009.

A landlord may charge certain fees (only one) related to an eviction of a tenant in three distinct categories in addition to the court costs and normal late fees.

- Complaint Filing Fee of up to \$15 or 5% of the rent whichever is greater.
- Court Appearance Fee of up to 10% of the rental payment under certain conditions.
- Second Trial fee of up to 12% of the rental payment under certain conditions.

(The fees based upon the rent are only valid for the tenants portion of the rent if that tenant is receiving subsidized rent as in the case of section 8 tenants)

The Summary Ejectment fee noted in the "old" Realtor lease form may not be charged. Any fees other than those listed above and a reasonable attorney fee are void and against public policy. Any attempt to collect such a fee could subject a landlord or property manager to a claim for unfair and deceptive trade practices.

The landlords obligation to account for and notice the tenant of any claims against the security deposit has also been changed.

Landlords are also required to repair or remedy any "imminently dangerous condition" one the landlord has actual knowledge of the condition or received notice from the tenant. These conditions are specifically defined.

Effective January 1, 2010, the law will require the installation of a carbon monoxide detector on EACH level of any residential rental unit that has a fireplace or fossil-fuel burning heater or appliance or any attached garage!

Please be sure to review these Bills and review your lease forms to make sure they are completely compliant.