

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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HOUSE BILL 2032  
Second Edition Engrossed 6/28/94

Short Title: Asheville Housing Code Notices.

(Local)

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Sponsors: Representative Colton.

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Referred to: Local and Regional Government I.

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June 6, 1994

A BILL TO BE ENTITLED

1 AN ACT RELATING TO SERVICE OF COMPLAINTS AND ORDERS IN  
2 HOUSING CODE CASES IN THE CITY OF ASHEVILLE AND TO  
3 AUTHORIZE THE CITY COUNCIL TO REQUIRE OWNERS OF RENTAL  
4 PROPERTY WITHIN THE CITY OF ASHEVILLE TO AUTHORIZE AN AGENT  
5 TO ACCEPT SERVICE OF PROCESS.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Complaints or orders issued by a public officer pursuant to Part 5  
9 or 6 of Article 19 of Chapter 160A of the General Statutes shall be served upon persons  
10 either personally or by registered or certified mail, and, in conjunction therewith, may  
11 be served by regular mail. When the manner of service is by regular mail in  
12 conjunction with registered or certified mail, and the registered or certified mail is  
13 returned, but the regular mail is not returned by the post office within 10 days after  
14 mailing, service shall be deemed sufficient. The person mailing such complaint or order  
15 by regular mail shall certify that fact and the date thereof, and such certificate shall be  
16 deemed conclusive in the absence of fraud.

17 A copy of any complaint under Part 6 of Article 19 of Chapter 160A of the  
18 General Statutes and a copy of any notice under G.S. 160A-428 shall be mailed by first-  
19 class mail by the city within two business days of mailing of the complaint or notice (or  
20 within two days of personal service if permitted by law) to:

- 21 (1) The Land of Sky Regional Council;  
22 (2) Mountain Housing Opportunities, Inc.;  
23 (3) Neighborhood Housing Services of Asheville, North Carolina, Inc.;

- 1           (4)   Western North Carolina Habitat for Humanity, Inc.;
- 2           (5)   The Housing Authority of the City of Asheville;
- 3           (6)   The Historic Resources Commission of Asheville and Buncombe
- 4                 County; and
- 5           (7)   The Preservation Society of Asheville and Buncombe County, Inc.

6 The person mailing such copy shall certify that fact and the date thereof, and such

7 certificate shall be deemed conclusive in the absence of fraud. The requirements of this

8 paragraph do not apply as to any corporation if that corporation is dissolved.

9           Sec. 2. (a) The City Council may, by ordinance, require that each owner of

10 rental property within the city authorize a person residing in the city to serve as his or

11 her agent for the purpose of accepting service of process in an action involving a

12 violation of an ordinance adopted under Parts 5 or 6 of Article 19 of Chapter 160A of

13 the General Statutes. The owner shall provide, on a form supplied by the city clerk, the

14 authorized agent's name, address, and telephone number. The owner shall notify the

15 city clerk of any changes in the information provided not less than 10 days after such

16 changes have occurred. Nothing in this section requires an owner to designate an agent

17 to accept service of process where the owner of the rental property resides within the

18 city.

19           (b) This section applies to the City of Asheville only.

20           Sec. 3. Section 1 of this act applies to the City of Asheville only.

21           Sec. 4. This act is effective upon ratification.