

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 651
HOUSE BILL 2032

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

The General Assembly of North Carolina enacts:

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

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

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

The person mailing such copy shall certify that fact and the date thereof, and such certificate shall be deemed conclusive in the absence of fraud. The requirements of this paragraph do not apply as to any corporation if that corporation is dissolved.

Sec. 2.(a) The City Council may, by ordinance, require that each owner of rental property within the city authorize a person residing in the city to serve as his or her agent for the purpose of accepting service of process in an action involving a violation of an ordinance adopted under Parts 5 or 6 of Article 19 of Chapter 160A of the General Statutes. The owner shall provide, on a form supplied by the city clerk, the

authorized agent's name, address, and telephone number. The owner shall notify the city clerk of any changes in the information provided not less than 10 days after such changes have occurred. Nothing in this section requires an owner to designate an agent to accept service of process where the owner of the rental property resides within the city.

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

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

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives