

April 15, 1999

S 974. VACATION RENTAL ACT. REGULATING THE RENTAL OF RESIDENTIAL PROPERTY FOR VACATION, LEISURE, OR RECREATION PURPOSES. Adds new GS Ch. 42A for purpose indicated in title. Act applies to person, corporation, ass'n, or other business entity who acts as landlord or real estate broker engaged in rental or management of residential property for vacation rental. Act does not apply to (1) lodging provided by hotels, motels, tourist camps, and other places subject to regulation under GS Ch. 72; (2) rentals to people temporarily renting dwelling unit when traveling away from their home for business or employment purposes; or (3) rentals to people having no other place of permanent residence. Defines "residential property," "vacation rental" (rental of residential property for vacation, leisure, or recreation purposes for fewer than 90 days by person who has place of permanent residence to which person intends to return), and "vacation rental agreement." Requires that landlord or real estate broker must execute vacation rental agreement for all vacation rentals subject to act. Provides that if tenant is required to make any advance payments, other than security deposit, whether payment is denominated as rent or otherwise, landlord or real estate broker must deposit advance payments in trust or escrow account that conforms to requirements of GS 93A-6(a)(12) no later than three banking days after receipt of advance payments. Landlord or real estate broker must disburse no more than fifty percent of gross rent received from tenant before occupancy by tenant, but may disburse nonrefundable fees to third parties to pay for goods, services, or benefits procured by landlord or real estate broker for benefit of tenant if disbursement is expressly authorized in vacation rental agreement. Sets out provisions on applicability of Residential Tenant Security Deposit Act, transfer of property subject to vacation rental agreement, expedited eviction proceedings, landlord and tenant duties, and effect of mandatory evacuation on refunds.

Intro. by Soles.

Ref. to Commerce

GS 42A

April 27, 1999

S 974. VACATION RENTAL ACT. Intro. 4/15/99. House committee substitute makes the following changes to 1st edition. Removes landlord from GS 42A-10(b) so that it applies only to real estate broker. Amends GS 42A-15 to specify that advance payments must be deposited in a trust or escrow account in an insured bank or savings and loan association in the state. Amends GS 42A-18 to clarify that only unpaid charges that are the obligation of the tenant under the rental agreement may be deducted from the security deposit. Amends GS 42A-24(d) to add service by delivery to the tenant of court order requiring the tenant to vacate the property. Amends GS 42A-31 to clarify landlords' obligation to maintain major appliances. Specifies that both landlords' and tenants' obligations shall not be waived but that the parties can make additional agreements not inconsistent with the statutory requirements. Changes effective date so that act applies to agreements entered into on or after Jan. 1, 2000.

June 30, 1999

S 974. VACATION RENTAL ACT. Intro. 4/15/99. House committee substitute makes the following changes to 2nd edition. Deletes provision allowing landlords to include as nonrefundable fees the actual cost of services, goods or benefits rendered to the tenant by a third person. Adds new section GS 42-40(2), which provides that the the vacation rental act does not apply to vacation rentals entered into under the landlord and tenant provisions of Chapter 42. Amends GS 7A-292 to authorize magistrates to accept the filing of a complaint and to issue a summons in cases brought under the vacation rental act. Makes other clarifying changes.

July 8, 1999

S 974. VACATION RENTAL ACT. Intro. 4/15/99. House amendment makes technical changes to 3rd edition.