

March 26, 2009

S 953. PROTECT TENANTS IN FORECLOSED PROPERTY. Filed 3/25/09. *PROVIDING THAT THE PURCHASER OF FORECLOSED PROPERTY SHALL NOT DISPOSSESS OR EVICT A TENANT WHO RECEIVES SECTION 8 ASSISTANCE PRIOR TO THE EXPIRATION OF THE TENANT'S LEASE.*

Enacts new GS 45-21.27A to provide that a purchaser of foreclosed property may not evict a tenant during the unexpired term of the tenant's lease on the grounds that the tenant no longer has the right or privilege to occupy the premises as a result of the foreclosure if the tenant receives Section 8 federal housing assistance. Makes conforming changes to GS 45-21.29(k).

Intro. by Nesbitt.

GS 45

April 28, 2009

S 953. PROTECT TENANTS IN FORECLOSED PROPERTY. Filed 3/25/09. Senate committee substitute makes the following changes to 1st edition. Deletes proposed new GS 45-21.27A, which provided that a purchaser of foreclosed property may not evict a tenant during the unexpired term of the tenant's lease on the grounds that the tenant no longer has the right or privilege to occupy the premises as a result of the foreclosure if the tenant receives Section 8 federal housing assistance. Requires in proposed amended GS 45-21.29 that the purchaser of a foreclosed property provide 60 days' (was, 90 days' in the previous edition) notice in the case of residential property (was, residential rental property) to the party or parties who remain in possession at the time an application for an order for possession is made to the clerk of superior court in the county in which the property is sold. Makes a conforming change. Also provides that, notwithstanding subdivision (k)(5), after the date of the notice required by that subdivision, a purchaser may institute ejection proceedings under Article 3 of GS Chapter 42 for failure to pay rent that becomes due during the 60-day notice period, at the rate in effect prior to the property's purchase, within five days of the date stated in the rental agreement. Provides that in determining the amount of rent due, (1) rent paid to the previous owner must be included and (2) a rent subsidy by the US Department of Housing and Urban Development, the US Department of Agriculture, a state agency, a public housing authority, or a local government must not be included. Changes the effective date to October 1, 2009 (was, when the act becomes law).

Changes the title to *AN ACT TO INCREASE THE TIME PERIOD TENANTS OF RESIDENTIAL PROPERTY SOLD UNDER POWER OF SALE MUST BE GIVEN NOTICE PRIOR TO AN ORDER FOR POSSESSION.*

April 29, 2009

S 953. PROTECT TENANTS IN FORECLOSED PROPERTY. Filed 3/25/09. Senate amendment makes the following changes to 2nd edition. Clarifies in proposed amended GS 45-21.29 that the 60 days' notice requirement to a party or parties who remain in possession of a property at the time of application for an order of possession by the purchaser applies to residential *rental* property.