

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 531  
PROPOSED SENATE COMMITTEE SUBSTITUTE H531-PCS40480-TG-31

Short Title: Protect. Tenants at Foreclosure Act Restored. (Public)

Sponsors:

Referred to:

April 2, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES TO THE GENERAL STATUTES TO REFLECT THE  
3 RESTORATION OF THE FEDERAL PROTECTING TENANTS AT FORECLOSURE  
4 ACT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 45-21.29 reads as rewritten:

7 "§ 45-21.29. Orders for possession.

8 ...

9 (k) Orders for possession of real property sold pursuant to this Article, in favor of the  
10 purchaser and against any party or parties in possession at the time of application therefor, may  
11 be issued by the clerk of the superior court of the county in which the property is sold if all of  
12 the following apply:

13 ...

14 (5) Ten days' notice has been given to the party or parties who remain in  
15 possession at the time application is made, or, in the case of residential  
16 property containing 15 or more rental units, 30 days' notice has been given to  
17 the party or parties who remain in possession at the time the application is  
18 made.

19 (5a) If the property is ~~single-family residential and occupied pursuant to a lease,~~  
20 ~~written or oral, covered by the federal Protecting Tenants at Foreclosure Act~~  
21 ~~(PTFA), Pub. L. 111-22, Title VII, Sections 701 through 703, as amended, the~~  
22 ~~provisions of G.S. 45-21.33A-PTFA have been satisfied. Any occupant~~  
23 ~~subject to the provisions of G.S. 45-21.33A must additionally receive notice~~  
24 ~~as required by subdivision (5) of this subsection.~~

25 (6) Application is made by petition to the clerk by the mortgagee, the trustee, the  
26 purchaser of the property, or any authorized representative of the mortgagee,  
27 trustee, or purchaser of the property.

28 ...."

29 SECTION 2. G.S. 45-21.33A is repealed.

30 SECTION 3. This act becomes effective October 1, 2019, and applies to petitions  
31 filed on or after that date.

