

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 833

Second Edition Engrossed 5/1/97

Senate State Government, Local Government, and Personnel Committee Substitute
Adopted 5/29/97

Short Title: Service in Housing Code Cases.

(Public)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE MUNICIPALITIES
WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN HOUSING
CODE CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-445 reads as rewritten:

"§ 160A-445. Service of complaints and orders.

(a) Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(a1) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, or, if

1 the owners are known but have refused to accept service by registered or certified mail,
2 and the public officer makes an affidavit to that effect, then the serving of the complaint
3 or order upon the ~~unknown~~ owners or other persons may be made by publication in a
4 newspaper having general circulation in the city at least once no later than the time at
5 which personal service would be required under the provisions of this Part. When service
6 is made by publication, a notice of the pending proceedings shall be posted in a
7 conspicuous place on the premises thereby affected.

8 (b) (1) ~~Complaints or orders issued by a public officer pursuant to an~~
9 ~~ordinance adopted under this Part shall be served upon persons either~~
10 ~~personally or by registered or certified mail. If the identities of any~~
11 ~~owners or the whereabouts of persons are unknown and cannot be~~
12 ~~ascertained by the public officer in the exercise of reasonable~~
13 ~~diligence, or, if the owners are known but have refused to accept~~
14 ~~service by registered or certified mail, and the public officer makes an~~
15 ~~affidavit to that effect, then the serving of the complaint or order upon~~
16 ~~the owners or other persons may be made by publication in a~~
17 ~~newspaper having general circulation in the city at least once no later~~
18 ~~than the time at which personal service would be required under the~~
19 ~~provisions of this Part. When service is made by publication, a notice~~
20 ~~of the pending proceedings shall be posted in a conspicuous place on~~
21 ~~the premises thereby affected.~~

22 (2) ~~This subsection applies only to municipalities that have a population in~~
23 ~~excess of 300,000 by the last federal census."~~

24 Section 2. This act is effective when it becomes law and applies to complaints
25 or orders served on or after that date.