

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 224
House Committee Substitute Favorable 6/12/18
Third Edition Engrossed 6/13/18

Short Title: Landlord Recovery of Expenses/Rule 60 Motion.

(Public)

Sponsors:

Referred to:

March 9, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW LANDLORDS TO RECOVER OUT-OF-POCKET EXPENSES IN
3 SUMMARY EJECTMENT CASES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.1.(a)** G.S. 42-46(h)(3) reads as rewritten:

6 "(3) It is contrary to public policy for a landlord to put in a lease or claim any fee
7 for filing a complaint for summary ejectment and/or money owed other than
8 the ones expressly authorized by subsections (e) through (g) and (i) of this
9 section, and a reasonable attorney's fee as allowed by law."

10 **SECTION 1.1.(b)** G.S. 42-46 is amended by adding two new subsections to read:

11 "(i) Out-of-Pocket Expenses. – In addition to the late fees referenced in subsections (a)
12 and (b) of this section and the administrative fees of a landlord referenced in subsections (e)
13 through (g) of this section, a landlord is also permitted to charge and recover from a tenant the
14 following actual out-of-pocket expenses:

15 (1) Filing fees charged by the court.

16 (2) Costs for service of process pursuant to G.S. 1A-1, Rule 4 of the North
17 Carolina Rules of Civil Procedure and G.S. 42-29.

18 (3) Reasonable attorneys' fees actually incurred, pursuant to a written lease, not
19 to exceed fifteen percent (15%) of the amount owed by the tenant, or fifteen
20 percent (15%) of the monthly rent stated in the lease if the eviction is based
21 on a default other than the nonpayment of rent.

22 (j) The out-of-pocket expenses listed in subsection (i) of this section are allowed to be
23 included by the landlord in the amount required to cure a default."

24 **SECTION 2.** This act is effective when it becomes law.



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