

# Apartment Association of North Carolina Legal Handbook New Revisions 2009/10 Edition (as of Mar. 2010)

***Are you operating in the Blind? Open the AANC Legal Handbook to see the light!***  
*Available to TAA/AANC members only!*

**AANC Legal Handbook:** Includes new NC laws that were effective as of October 1, 2009 and January 1, 2010, such as:

**A. Hot-Water-Only submetering (pre-1989 properties only)**

Effective October 1, 2009, N.C. Gen Stat. § 62-110(g) has been modified to add a new subsection, (1a). This new law will permit older properties (those built prior to 1989) to submeter hot water usage only as a means of passing on water costs to residential tenants.

**B. Repair of "Imminently Dangerous Conditions"**

Effective October 1, 2009, N.C. Gen Stat. § 42-42 (a) has been modified to add a new subsection (8), which will require landlords to repair or remedy any "imminently dangerous condition" once the landlord has *actually knowledge* (in other words, you find out about it, whether in writing, or via a phone call, or if you see it during any inspection or walk through) or if you receive notice from the tenant.

**C. Extended time to account for use of Security deposit.**

Effective October 1, 2009, N.C. Gen Stat. § 42-52 has been modified to allow you up to sixty (60) days to provide an itemization if you cannot determine the extent of your damages within the first thirty (30) days after delivery of possession and termination of the tenancy.

**D. Stronger penalties for willful non-compliance with Security Deposit Laws.**

Effective October 1, 2009, N.C. Gen Stat. § 42-55 imposes new penalties for a landlord's "willful" failure to comply with the deposit, bond, or notice requirements of the applicable security deposit laws.

**New fees for Evictions**

Effective October 1, 2009, N.C. Gen Stat. § 42-46 a landlord may charge certain fees related to an eviction of a tenant. However, these fees must be specifically provided by the lease; they are not automatically owed simply because they are in the statute. If you intend to charge such fees, you must ensure that all leases signed after October 1 contain provisions for these fees; if you do not, you may not charge them against your tenants.

**F. Federal Foreclosure Protections**

On May 20, 2009, President Obama signed into law the Protecting Tenants at Foreclosure Act of 2009, which involved certain temporary changes to 12 USC § 5220 and 42 U.S.C. § 1437 (f)(o)(7) affecting foreclosures on (1) all federal loan properties and (2) properties with Section 8 tenants respectively. These laws are contained in Public Law 111-22, Title VII, Section 701 through 704.

**G. Mandatory Carbon Monoxide Detectors (in certain units)**

Effective January 1, 2010, N.C. Gen Stat. § 42-42 (a) is revised to add a new subsection (7) mandating the installation of carbon monoxide detectors in rental units statewide, where those rental units have (1) a fireplace, (2) a fossil fuel burning heater or appliance, or (3) an attached garage.

## ORDER FORM: AANC Legal Handbook– 2009/10 Revision

NAME: \_\_\_\_\_

PROPERTY/ COMPANY NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY/ STATE/ ZIP: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

**COST:** \$98.03 (includes Handling, Tax) Pick-up  
\$104.03 (includes Shipping, Handling & Tax) TAA  
\$107.03 (including Shipping, Handling & Tax) AANC

I wish to order \_\_\_\_\_ copy(ies) of the AANC Legal Handbook  
(Available to TAA Members ONLY)

**PAYMENT OPTIONS:**

- Please Invoice Me  
 My Check for \$ \_\_\_\_\_ is enclosed (Make check payable to TAA)



**MAIL/ FAX PAYMENT TO:**

Triangle Apartment Association  
3739 National Drive, Suite 202  
Raleigh, NC 27612  
TEL: (919)782-1165  
FAX: (919)782-1169