



GLA May 14th, 2024 Meeting Minutes

6:30-6:35 –Chelsea

- Welcome to all!
- **Don't forget to pick up our new flyers to hand out** to potential members. There is a free meeting coupon inside. And the member who recruits the most members will win a prize at the Holiday dinner. Let the challenge begin! **And next month joining is Half-Price and includes the Holiday Dinner!!**
- **Our Coffee Chat** is next Tuesday, **May 21st, 2024** at Amoroso's Bakery. These are very popular!
- Do we have any guests or new members that would like to introduce themselves? **4 guests**
- **Do we have any GLA sponsors or Corporate Members that would like to stand and introduce themselves to the group? Lesa Evans with Evans Air and Service**
- Finally do we have any members that have any questions, comments or announcements? (Limit to 3 minutes.) **Ann Hardee has a property for sale with great tenant in place already.**

6:35- 6:40 – **Chelsea**– Ask Member's to Share their Best Vendors we have not reviewed before: No shares.

6:40 – 6:41 - **Chelsea**– Introduced Jennifer Ruby with “Ruby Chase Taliercio” Law Firm

6:42 – 7:25 – **Jenny**– Please start your program. A link to the recorded video is below.

<https://youtu.be/88gsElbalGo>

(Starting on the second page is the complete PowerPoint Presentation.)

7:25 – 7:30 - Chelsea

- Thank you Jenny!
 - **Reminder – Coffee Chat is next week Tuesday the 21st** at Amoroso's Bakery off College Rd.
 - Next Month is **New Insurance Coverage options!**
 - **Please pick up a handful of flyers from Jenn and bring a guest next month!**
 - **Thank you** everyone and have a very nice evening!
-

Landlord/Tenant Updates

Greensboro Landlord Association - May 14, 2024

Presented by: Jennifer Ruby, Esq.



RUBY | CHASE | TALIERCIO

Put It In Writing! Best Practices for Landlords

- Lease
 - Pay attention to notice of nonrenewal deadlines in Lease
 - Make sure your Lease is North Carolina specific
 - Don't use online services for your Lease – they're often not state specific
 - NC Realtor's Association has a great Lease that our Courts are familiar with
- Modifications – Any changes should be in writing and signed by Tenant and Landlord
- Notices – Give proper lease violation notices, termination notices, non-renewal notices, etc.
 - Keep signed copies of all notices in your tenant file
- Keep your emails, text messages, etc with tenants.
- Keep a written ledger with charges, late fees, payments, etc.
- Maintenance Requests and repairs



Squatter vs. Tenant: What's the Difference?

Tenant:

- Defined as any natural person or entity who is a named party or signatory to a lease or rental agreement, and who occupies, resides in, or has a legal right to possess and use an individual rental unit
- Lease does not have to be in writing
- Pays rent, utilities, or some other consideration to owner of property in exchange for living at the property


Squatter/Trespasser:

- No agreement to legally possess the rental unit but refuses to leave;
 - No rent, utilities, etc paid
 - Examples: Sibling, child, friend, significant other, caretaker, who moves into the property, but pays no rent/utilities, etc.
 - Cannot evict via Summary Ejectment Procedure; must file trespassing action
-

Eviction of a Tenant

- Governed by NCGS Chapter 42
- Cannot use self help eviction
- Typically starts in Small Claims Court
 - Must give proper notice prior to filing
 - Use full legal name of Landlord and Tenant
 - Bring copies of Lease, Notice(s) and Ledger to Court – give to Magistrate and opposing party as evidence
 - Ask Magistrate to make a finding of amount of monthly rent – even if you are evicting for breach of the lease unrelated to rent
- “Aggrieved” party may appeal Magistrate’s ruling to District Court
 - MUST file within 10 days of Magistrate’s Order
 - If tenant lost in small claims AND court made finding of amount of monthly rent, tenant must pay rent bond each month into the Court; No rent bond payment = Writ of Possession
 - Most Counties require corporate entity to be represented by an attorney





Removal of a Trespasser/Squatter

- Send written notice to vacate the Premises as soon as possible.
- If the squatter doesn't leave, file a Trespass action
 - Generally, in District Court (recommend having an attorney)
 - No form document is available
 - Must allege all elements of trespass
 - Plaintiff is the rightful owner of the Premises with the right to immediate and actual, exclusive possession of the Premises;
 - Plaintiff has demanded that Defendant vacate the Premises;
 - Despite such demand, Defendant has purposefully and wrongfully remained present on the Premises
 - Defendant's continued presence at the Premises was and is unauthorized
 - Defendant's continued presence at the Premises has caused and continues to harm Plaintiff, including lost rent
 - Plaintiff is entitled to possession of the Premises to the exclusion of Defendant, plus damages
 - Defendant must be served via Sheriff, Certified Mail, or Process Server (posting on door is not sufficient)
 - Defendant has 30 days to respond to Complaint in writing
 - Hearing/trial held before District Court Judge

Eviction Trends

- Tenants are more readily appealing and asking for jury trials to delay
- Legal Aid has a larger presence statewide
- Defendants are appealing from District Court to Court of Appeals to delay
- Tenants are filing counterclaims
 - Habitability
 - Lack of proper notice
- Trials are taking longer to schedule
- Discovery is your friend in Guilford County

NC Court eFiling Updates

- Currently, 27 counties use eCourts –
 - (Alamance, Beaufort, Camden, Chatham, Chowan, Currituck, Dare, Durham, Franklin, Gates, Granville, **Guilford**, Harnett, Hyde, Johnston, Lee, Martin, Mecklenburg, Orange Pasquotank, Perquimans, Person, Tyrrell, Vance, Wake, Warren and Washington)
 - Attorneys are required to use eFiling; *pro se* (unrepresented) parties are not required, but may use
 - All counties in NC are projected to use eCourt by 2025
 - Two websites:
 - Filing: <https://efilenc.tylertech.cloud/OfsEfsp/ui/landing>
 - Portal (for viewing/searching): <https://portal-nc.tylertech.cloud/Portal/>

eFiling

- Must have a registered account to e-file
- Submit documents to be filed online, provide updated mailing address/contact information, service of pleadings on attorneys, upload proposed Orders, payment online
- Guide for pro se individuals available at: <https://northcarolina.tylertech.cloud/SRL>

Online Portal

- Available to the public without having to register an account
- Can obtain case information, including documents filed in the case, orders entered, etc.
- Rent bond payment is available to view

Pet Policies and Reasonable Accommodations

- Fair Housing Act requires that Landlords must make *reasonable accommodations* for a disabled tenant
- Tenant must show a reasonable nexus between requested accommodation and disability
 - Can require tenant to provide verification from a licensed mental health professional that the accommodation is necessary and related to the disability
 - Cannot pry into all details regarding the disability
 - Can limit the type of animal – no dangerous dogs, weight limit, limit to number of pets– but must be reasonable
- Applies even if you have a no pet policy



Questions?



Jennifer has represented landlords across the state for nearly 14 years. In 2021, she created her own law firm, after practicing with a multi-state firm for more than 10 years. In 2023, two colleagues joined her to form Ruby Chase Taliercio, with the goal of providing tailored services for our client's needs. Please feel free to reach out with questions or for assistance at: jruby@rctpllc.com

For more information about our firm, visit: <https://rctpllc.com>



RUBY | CHASE | TALIERCIO