



CHAPTER 42
ARTICLE 5 - RESIDENTIAL RENTAL AGREEMENTS

N.C.G.S. § 42-44.

General remedies, penalties, and limitations.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2016-98, s. 1.6 — sixth act in the lineage	21 September 2026, 03:30 UTC	60f7118bdbceebba4f142181 - 76487fe29ad74fe1416ecf27 - 26b3fe613905911d

§ 42-44(a) Any right or obligation declared by this Chapter is enforceable by civil action, in addition to other remedies of law and in equity.

§ 42-44(a1)
INFRACTION

If a landlord fails to provide, install, replace, or repair a smoke alarm under the provisions of G.S. 42-42(a)(5) or a carbon monoxide alarm under the provisions of G.S. 42-42(a)(7) within 30 days of having received written notice from the tenant or any agent of State or local government of the landlord's failure to do so, the landlord shall be responsible for an infraction and shall be subject to a fine of not more than two hundred fifty dollars (\$250.00) for each violation. After December 31, 2012, if the landlord installs a new smoke alarm or replaces an existing smoke alarm, the smoke alarm shall be a tamper-resistant, 10-year lithium battery smoke alarm, except as provided in G.S. 42-42(a)(5a). The landlord may temporarily disconnect a smoke alarm or carbon monoxide alarm in a dwelling unit or common area for construction or rehabilitation activities when such activities are likely to activate the smoke alarm or carbon monoxide alarm or make it inactive.

§ 42-44(a2)
INFRACTION

If a smoke alarm or carbon monoxide alarm is disabled or damaged, other than through actions of the landlord, the landlord's agents, or acts of God, the tenant shall reimburse the landlord the reasonable and actual cost for repairing or replacing the smoke alarm or carbon monoxide alarm within 30 days of having received written notice from the landlord or any agent of State or local government of the need for the tenant to make such reimbursement. If the tenant fails to make reimbursement within 30 days, the tenant shall be responsible for an infraction and subject to a fine of not more than one

hundred dollars (\$100.00) for each violation. The tenant may temporarily disconnect a smoke alarm or carbon monoxide alarm in a dwelling unit to replace the batteries or when it has been inadvertently activated.

§ 42-44(b) Repealed by Session Laws 1979, c. 820, s. 8.

§ 42-44(c) The tenant may not unilaterally withhold rent prior to a judicial determination of a right to do so.

§ 42-44(c1) A real estate broker or firm as defined in G.S. 93A-2 managing a rental property on behalf of a landlord shall not be personally liable as a party in a civil action between the landlord and tenant solely because the real estate broker or firm fails to identify the landlord of the property in the rental agreement.

§ 42-44(d) A violation of this Article shall not constitute negligence per se.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
6 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

	1977		1997		2016
	TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER		
01	1977	c. 770, s. 1	ENACTED		
02	1979	c. 820, s. 8	AMENDED		
03	1998	S.L. 1998-212, s. 17.16(k)	AMENDED		
04	2008	S.L. 2008-219, s. 4	AMENDED		
05	2012	S.L. 2012-92, s. 3	AMENDED		
06	2016	S.L. 2016-98, s. 1.6	AMENDED		

APPARATUS II
4 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 42-42(a)(5)	(a1)	"smoke alarm under the provisions of"
G.S. 42-42(a)(7)	(a1)	"monoxide alarm under the provisions of"
G.S. 42-42(a)(5a)	(a1)	"smoke alarm, except as provided in"
G.S. 93A-2	(c1)	"broker or firm as defined in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 42-44 (2016).

PINPOINT

N.C. Gen. Stat. § 42-44(a) (2016).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1977, c. 770, s. 1; 1979, c. 820, s. 8; 1998-212, s. 17.16(k); 2008-219, s. 4; 2012-92, s. 3; 2016-98, s. 1.6.)

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