

COUNTY LOCAL LAWS

VIOLATION OF THIS CHAPTER HAS OCCURRED OR A DEFECTIVE TENANCY EXISTS.

93A-39. RETALIATORY ACTION PENDING RESOLUTION OF A COMPLAINT.

IT SHALL BE UNLAWFUL FOR ANY LANDLORD TO EVICT OR TAKE ANY OTHER RETALIATORY ACTION AGAINST A TENANT FOR THE FILING OF A BONA FIDE COMPLAINT HEREFUNDER. WITHIN SIX (6) MONTHS OF THE FILING OF ANY BONA FIDE COMPLAINT BY A TENANT TO THE EXECUTIVE DIRECTOR OR ANY OTHER COUNTY DEPARTMENT ADMINISTERING OR ENFORCING THE PROVISIONS OF THIS CHAPTER, ANY ATTEMPT BY THE LANDLORD TO EVICT SUCH TENANT EXCEPT FOR NONPAYMENT OF RENT SHALL BE REBUTTABLY PRESUMED TO BE A RETALIATORY EVICTION UNDER THE TERMS OF THIS CHAPTER.

93A-40. COMMISSION HEARING.

WHEN A HEARING BEFORE THE COMMISSION DEALS WITH A CONTROVERSY ARISING UNDER THE PROVISIONS OF THIS ARTICLE, THE COMMISSION SHALL SERVE UPON THE PERSON AGAINST WHOM A COMPLAINT HAS BEEN FILED (DESIGNATED AS THE "RESPONDENT") A SUMMONS AND A STATEMENT OF CHARGES AND SHALL SERVE UPON ALL INTERESTED PARTIES A NOTICE OF THE TIME AND PLACE OF HEARING. THE RESPONDENT OR HIS AUTHORIZED REPRESENTATIVE MAY FILE SUCH STATEMENTS WITH THE COMMISSION PRIOR TO THE HEARING DATE AS HE DEEMS NECESSARY IN SUPPORT OF HIS POSITION. THE HEARING SHALL BE OPEN TO THE PUBLIC, EXCEPT THAT EITHER THE COMPLAINING PARTY OR THE RESPONDENT MAY REQUEST, IN WRITING, A PRIVATE HEARING, WHICH MAY BE GRANTED AT THE DISCRETION OF THE COMMISSION. THE COMMISSION SHALL HAVE THE POWER TO SUMMON ALL WITNESSES IT DEEMS NECESSARY. THE HEARING SHALL BE HELD NOT LESS THAN SEVEN (7) DAYS AND NOT MORE THAN THIRTY (30) DAYS AFTER SERVICE OF THE STATEMENT OF CHARGES AND SUMMONS. THE SUMMONS SO ISSUED MUST BE SIGNED BY THE CHAIRMAN OF THE COMMISSION OR HIS DESIGNEE AND SHALL REQUIRE THE ATTENDANCE OF NAMED PERSONS AND THE PRODUCTION OF RELEVANT DOCUMENTS AND RECORDS. FAILURE TO COMPLY WITH A SUMMONS SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER. THE COMPLAINING PARTY OR PARTIES AND THE RESPONDENT MAY, AT THEIR OPTION, APPEAR BEFORE THE COMMISSION IN PERSON OR BY DULY AUTHORIZED REPRESENTATIVE AND MAY HAVE THE ASSISTANCE OF AN ATTORNEY. THE PARTIES MAY PRESENT TESTIMONY AND EVIDENCE WHICH SHALL BE GIVEN UNDER OATH OR BY AFFIRMATION. THE COMMISSION SHALL KEEP A FULL RECORD OF THE HEARING, WHICH RECORD, IF