HOUSE BILL 96:
Expedited Removal of Unauthorized Persons.

2025-2026 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	June 19, 2025
Introduced by:	Reps. Tyson, Biggs, K. Hall, Howard	**Prepared by:**	Robert Ryan Committee Counsel
Analysis of:	Third Edition		

OVERVIEW: House Bill 96 would create an expedited removal process for the removal of an unauthorized person from residential property. For this purpose, an "unauthorized person" would mean a person who has no legal claim to occupy the property under a lease or otherwise and would not mean a tenant who is holding over after the lease term has expired.

CURRENT LAW: Under applicable criminal statutes, a person who enters or remains on private property without the property owner's authorization is subject to arrest and prosecution for criminal trespass. If the unauthorized person is a tenant who has held over after the lease term expired or has otherwise forfeited the right to remain under the terms of the lease, the landlord can pursue a summary ejectment proceeding in small claims court to recover possession. There is currently no procedure under civil law by which a property owner can seek the expedited removal of an unauthorized person whose occupation of the premises did not begin under a valid lease.

BILL ANALYSIS: Section 1 would add a new Article 22D to Chapter 14 of the General Statutes, under which the owner of residential property or an authorized representative could request a law enforcement agency to remove any person unlawfully occupying the property if all the following conditions are met:

(1) The requesting party is the property owner or the authorized agent of the property owner.

(2) The property that is being unlawfully occupied is residential property or property used in connection with or appurtenant to residential property.

(3) An unauthorized person has entered the property after the property owner acquired the property and is remaining or residing unlawfully on the residential property of the property owner.

(4) The property was not offered or intended as an accommodation for the general public at the time the unauthorized person entered.

(5) The property owner or the authorized representative of the property owner has directed the unauthorized person to leave the residential property.

(6) The unauthorized person is not a tenant of the property being unlawfully occupied.

(7) The unauthorized person is not an owner of the property being unlawfully occupied.

(8) There is no pending litigation between the property owner and the unauthorized person related to the residential property.

(9) No other valid rental agreement or contract for deed has been entered into or formed by the property owner or a former property owner and the unauthorized person permitting the unauthorized person to occupy the residential property.

(10) No rent or other form of payment has ever been demanded of or paid by the unauthorized person to the property owner or to an authorized representative of the property owner in connection with the occupancy of the residential property.

The term "unauthorized person" would mean a person who has no legal claim to the property and who is not entitled to occupy it under a valid rental agreement or otherwise. It would not include a tenant holding over after the lease term has expired.

In terms of procedure, first the property owner or authorized representative would need to appear before a magistrate and complete a sworn affidavit. The affidavit would be on a form created by the Administrative Office of the Courts (AOC), and it would allege that each of the conditions listed above are satisfied and contain certain other information. The magistrate would then sign the affidavit verifying that the property owner or the authorized representative appeared before the magistrate.

Upon completion of the affidavit described above, the property owner or the authorized representative would then provide the original affidavit to the law enforcement agency with jurisdiction over the residential property. Within 24 hours after receipt of the affidavit the law enforcement agency would be required to remove the unauthorized person from the property.

The property owner or the authorized representative could request the law enforcement agency to stand by while the locks are changed, and the unauthorized person's possessions are removed.

Law enforcement agencies, law enforcement officers, and magistrates would have immunity for any acts or omissions related to the expedited removal process, provided the parties acted in good faith and did not act with gross negligence, willful or wanton misconduct, or intentional wrongdoing. The property owner or authorized representative would have immunity for any damages related to the expedited removal process unless the removal was wrongful.

A person harmed by a wrongful removal would be entitled to bring a civil action against the property owner or authorized representative seeking recovery of the possession of the property, actual damages incurred, statutory damages equal to three times the fair market rent of the residence, a civil penalty, court costs and reasonable attorney's fees.

Section 2 would direct AOC, in consultation with the North Carolina Sheriff's Association and the North Carolina Association of Chiefs of Police, to develop the affidavit form to implement the expedited removal process discussed above by September 30, 2025.

EFFECTIVE DATE: Section 1 of this act would become effective October 1, 2025. The remainder of this act would be effective when it becomes law.