



HOUSE BILL 984: Removal of Squatters from Private Property.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 26, 2024
Introduced by:	Reps. Bradford, Gillespie, Shepard, Iler	Prepared by:	Bill Patterson Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *House Bill 984 would permit a residential property owner to submit a complaint to a law enforcement agency requesting the removal of an unauthorized person who has ignored the owner's demand to leave. 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.*

Upon receiving the complaint and verifying that the requesting party is the property owner or the owner's agent and appears entitled to relief, the law enforcement agency would be required to remove the unauthorized person from the property within 48 hours. The law enforcement agency would have no liability to any person for loss, destruction, or damage to personal property.

The bill would provide that any person harmed by a wrongful removal under this procedure could bring a civil action seeking recovery of possession of the property, actual costs and damages incurred, statutory damages equal to three times the amount of the fair market rent of the residence, court costs, and reasonable attorney's fees.

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.¹ 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(a)** would add a new Article 8 to Chapter 42 (Landlord and Tenant) of the General Statutes, under which the owner of residential property or the owner's agent could request the local law enforcement agency to remove any person unlawfully occupying the property if all of 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 occupied includes a residential dwelling or property used in connection with or is appurtenant to a residential dwelling.

¹ A person who enters or remains in another's building without authorization is guilty of first-degree trespass under G.S. 14-159.12. A person who enters or remains on the premises of another without authorization after having been notified not to enter or remain there by the owner, or when the premises are posted with notice not to enter in a manner reasonably likely to come to the attention of intruders, is guilty of second-degree trespass under G.S. 14-159.13.

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- (3) An unauthorized person or persons have unlawfully entered and remain on or continue to reside in the residential property.
- (4) The private 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 agent of the property owner has directed the unauthorized person or persons to leave the residential property.
- (6) The unauthorized person or persons are not tenants as defined in G.S. 42-59.²
- (7) There is no pending litigation between the property owner and the unauthorized person or persons related to the residential property.
- (8) No other valid rental agreement has been entered into or formed by the property owner and the unauthorized person or persons permitting their occupation of the private property.

As used in Article 8, 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.

Upon receipt of a complaint substantially in the form designated in the new statute, the law enforcement agency would be required to verify that the complainant is the record owner of the real property or the owner's authorized agent and appears entitled to relief under this Article, at which time the law enforcement agency would be required to remove the unauthorized person from the property within 48 hours.

The property owner or the owner's agent could request the law enforcement agency to stand by while the locks are changed, and the unauthorized person's possessions are removed. For providing such services the law enforcement agency could charge the requesting party a reasonable hourly rate not to exceed \$25 per hour.

The law enforcement agency would have no liability to the unauthorized person or any other party for loss, destruction, or damage to personal property. The complainant would be liable for such loss, destruction, or damage only if the removal was wrongful.

A person harmed by a wrongful removal under Article 8 would be entitled to bring a civil action against the property owner seeking recovery of the possession of the property, actual damages incurred, and statutory damages equal to three times the fair market rent of the residence, plus court costs and reasonable attorney's fees.

Section 1(b) would direct the Administrative Office of the Courts, in consultation with the North Carolina Sheriff's Association and the North Carolina Association of Chiefs of Police, to develop the complaint form to implement the process provided under this act.

EFFECTIVE DATE: The act would become effective October 1, 2024.

² ""Tenant" means 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." G.S. 42-59(10).