



# HOUSE BILL 96: Expedited Removal of Unauthorized Persons.

2025-2026 General Assembly

<b>Committee:</b>		<b>Date:</b>	June 26, 2025
<b>Introduced by:</b>	Reps. Tyson, Biggs, K. Hall, Howard	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	Fifth Edition		Staff Attorney

## OVERVIEW: *House Bill 96 would do the following:*

- *Create an expedited removal process for the removal of an unauthorized person from residential property.*
- *Create a new statute providing State uniformity for the operation of licensed pet shops.*

## CURRENT LAW AND BILL ANALYSIS:

### Section 1

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.

Section 1 would add a new Article 22D to Chapter 14 of the General Statutes, under which a property owner or an authorized representative of the property owner may initiate an expedited removal proceeding for the removal of an unauthorized person unlawfully occupying residential 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.

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- (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, the following would occur: Filing of a complaint and issuance of a summons in the county where the property is located. → The summons and complaint are provided to the sheriff. → The summons and complaint are served on the unauthorized person by the sheriff within 24 hours of the sheriff receiving the documents. → The sheriff promptly files a return. → A hearing is held before a magistrate as soon as practicable, but no more than 48 hours after service. → If the court finds for the property owner, the court immediately enters a written order granting the property owner possession of the property and stating the time the unauthorized person must vacate the property – which cannot be more than 4 hours after the order is served on the unauthorized person.

All parties have a right to appeal an order entered by a magistrate to the district court for a trial de novo.

If the court has entered an order of removal and an unauthorized person fails to remove personal property from the residential property within the time allowed by the order, the property owner or authorized representative of the property owner may remove the personal property from the premises to or near the property line. The failure of an unauthorized person to vacate a residential property in accordance with a court order shall constitute a criminal trespass.

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 to recover possession of the property and may recover from the property owner or authorized representative damages limited to actual damages as in an action for trespass or conversion.

## **Section 2**

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.

## **Section 3**

Article 3 of Chapter 19A contains the Animal Welfare Act. One of the purposes of the act, as stated in G.S. 19A-21, is "to insure that animals confined in pet shops, kennels, animal shelters and auction markets are provided humane care and treatment ..."

"Pet shop" means a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale. G.S. 19A-23(12)

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G.S. 19A-27, License required for operation of pet shop, provides that no person shall operate a pet shop without a license granted by the director of the Animal Welfare Section of the Animal Health Division of the Department of Agriculture and Consumer Services.

Section 3 would create a new statute, G.S. 19A-27.5, to provide for State uniformity for operation of pet shops. Specifically, this new law would provide that no local government or other political subdivision of the State may enact, maintain, or enforce any ordinance, resolution, or other enactment that does either of the following:

- Prohibits or restricts the sale of animals by a licensed pet shop.
- Imposes additional licensing, operational, or regulatory requirements on pet shops beyond those established by State law.

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