



HOUSE BILL 96: Expedited Removal of Unauthorized Persons.

2025-2026 General Assembly

Analysis of: House Bill 96 (Ratified)

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House Bill 96 would have created an expedited removal process for the removal of an unauthorized person from residential property and created a new statute providing State uniformity for the operation of licensed pet shops.

Section 1

Section 1 would have added 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.
- (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 have meant 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 have included a tenant holding over after the lease term has expired.

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In terms of procedure, the following would have occurred: 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 would have had the right to appeal an order entered by a magistrate to the district court for a trial de novo.

If the court entered an order of removal and an unauthorized person failed 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 would have been permitted to 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 would have been a criminal trespass.

Law enforcement agencies, law enforcement officers, and magistrates would have been granted 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 been granted immunity for any damages related to the expedited removal process unless the removal was wrongful.

A person harmed by a wrongful removal would have been entitled to bring a civil action against the property owner or authorized representative seeking to recover possession of the property and would have been able to 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 have directed 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 affidavit form to implement the expedited removal process discussed above by September 30, 2025.

Section 3

Section 3 would have created a new statute, G.S. 19A-27.5, to provide for State uniformity for operation of pet shops. Specifically, this new law would have provided 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.

HB 96 was ratified by the General Assembly on June 30, 2025, and vetoed by the Governor on July 9, 2025. Subsequent to the Governor's veto of HB 96, the General Assembly enacted and the Governor signed SB 55, which included language similar to the sections of this bill addressing expedited removal of unauthorized persons.