



SENATE BILL 55: Expedited Removal of Unauthorized Persons.

2025-2026 General Assembly

Analysis of: S.L. 2025-88

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Prepared by: Legislative Analysis
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S.L. 2025-88 (Senate Bill 55) will add Article 22D (Expedited Removal of Unauthorized Persons from Residential Property) to Chapter 14 of the General Statutes. Article 22D will authorize a property owner or an authorized representative of the property owner to initiate an expedited proceeding for the removal of an unauthorized person unlawfully occupying residential property, upon filing a complaint alleging at least the following facts:

- The requesting party is the property owner or the authorized agent of the property owner.
- The occupied property is residential property or property used in connection with or appurtenant to residential property.
- 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.
- The property was not offered or intended as an accommodation for the general public at the time the unauthorized person entered.
- The property owner or the authorized representative of the property owner has directed the unauthorized person to leave the residential property.
- The unauthorized person is neither an owner nor a tenant of the property being unlawfully occupied.
- There is no pending litigation between the property owner and the unauthorized person related to the residential property.
- No other valid rental agreement or contract for deed has been entered into between the property owner or a former property owner and the unauthorized person permitting the unauthorized person to occupy the residential property.
- 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.

As used in Article 22D, the term "unauthorized person" will be defined to 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 and will not include a tenant holding over after the lease term has expired.

The following procedure will be followed under Article 22D:

1. The requesting party's complaint will be filed and a summons will be issued in the county where the property is located.

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2. Within 24 hours after receiving the summons and complaint, the sheriff will serve these papers on the unauthorized person personally or by posting a copy on the front door of the property and will promptly file a return.
3. A hearing before a magistrate will be held no more than 48 hours after the summons and complaint have been served.
4. If the magistrate finds in favor of the property owner, the magistrate will immediately enter a written order stating a time by which the property must be vacated, which will be no later than four hours after the order is served on the unauthorized person.
5. All parties will have the right to an appeal to the district court for a trial de novo.
6. If the unauthorized person fails to remove personal property from the occupied premises within the time allowed by the order, the property owner or their authorized representative will be authorized to remove the personal property to or near the property line.

The failure to vacate a residential property in accordance with a court order will constitute criminal trespass.

Law enforcement agencies, law enforcement officers, and magistrates will have immunity for any acts or omissions related to the expedited removal process, provided the parties act in good faith and do not act with gross negligence, willful or wanton misconduct, or intentional wrongdoing.

The property owner or the owner's authorized representative will have immunity for any damages related to the expedited removal process, unless the removal was wrongful.

A person harmed by a wrongful removal under Article 22D will be entitled to bring a civil action against the property owner or the owner's authorized representative seeking to recover possession of the property and actual damages, as in an action for trespass or conversion.

This act becomes effective December 1, 2025.