

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 984

Short Title: Removal of Squatters from Private Property. (Public)

Sponsors: Representatives Bradford, Gillespie, Shepard, and Iler (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

May 6, 2024

A BILL TO BE ENTITLED
AN ACT TO CREATE AN ALTERNATIVE REMEDY FOR THE EXPEDITED REMOVAL
OF UNAUTHORIZED PERSONS FROM PRIVATE PROPERTY BY A LAW
ENFORCEMENT AGENCY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 42 of the General Statutes is amended by adding a new
Article to read:

"Article 8.

"Expedited Removal of Unauthorized Persons from Private Property.

"§ 42-79. Requirements for removal of unauthorized persons.

(a) A property owner or an authorized agent of the property owner may request from a law enforcement agency with jurisdiction over where the private property is located the removal of a person or persons unlawfully occupying the property pursuant to this Article 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 is a residential dwelling or property that is used in connection with a residential dwelling or is real property appurtenant to a residential dwelling.
- (3) An unauthorized person or persons have unlawfully entered or unlawfully remain on or continue to reside in the private property.
- (4) The private property was not offered or intended as an accommodation for the general public at the time the unauthorized person or persons entered.
- (5) The property owner or the authorized agent of the property owner has directed the unauthorized person or persons to leave the private property.
- (6) The unauthorized person or persons are not tenants as defined in G.S. 42-59.
- (7) There is no pending litigation between the property owner and the unauthorized person or persons related to the private property.
- (8) No other valid rental agreement has been entered into or formed by the property owner and the unauthorized person or persons permitting the unauthorized person or persons to occupy the private property.

(b) For purposes of this Article, an "unauthorized person" means a person occupying private property who has no legal claim to the property and is not entitled to occupy it under a valid rental agreement signed by the property owner or the authorized agent of the property owner



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and who is not otherwise authorized to occupy the property. It does not mean a tenant who holds over after the lease term has expired under G.S. 42-26.

(c) For purposes of this Article, "law enforcement agency" shall include county sheriffs' offices, county police departments, and municipal police departments.

"§ 42-80. Expedited removal complaint form."

(a) To request the immediate removal of an unauthorized person or persons from private property, the property owner or the authorized agent of the property owner must contact a law enforcement agency with jurisdiction over where the private property is located and file a complaint.

(b) Complaints made under this section regarding property located within a municipality that is subject to the territorial jurisdiction of a municipal law enforcement agency must be filed with the municipal police department. Complaints made under this section regarding property not located within a municipality that is subject to the territorial jurisdiction of a county law enforcement agency must be filed with the county sheriff's office or county police department.

(c) A complaint made under this section shall be in substantially the following form:

"COMPLAINT TO REMOVE UNAUTHORIZED PERSONS FROM PRIVATE REAL PROPERTY

I,,the owner or the authorized agent of the owner of the private property located at, declare under the penalty of perjury all of the following (initial each):

.....I am the owner of the private property or the authorized agent of the owner of the private property.

.....I acquired the property on

.....The property is a residential dwelling or property that is used in connection with a residential dwelling or is real property appurtenant to a residential dwelling.

.....An unauthorized person or persons have unlawfully entered or unlawfully remain on or continue to reside in the private property.

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

.....I have directed the unauthorized person or persons to leave the property, but they remain on the property.

.....The unauthorized person or persons are not current tenants pursuant to any valid lease authorized by the property owner, and any lease that may be produced by an unauthorized person or persons is fraudulent.

.....The unauthorized person or persons sought to be removed are not owners or co-owners of the property and have not been listed on the valid record title to the property.

.....There is no litigation related to the private property pending between the property owner and any unauthorized person or persons sought to be removed.

.....I understand that a person or persons removed from the property pursuant to this procedure may bring a cause of action against me for any false statements made in this complaint, or for wrongfully using this procedure, and that I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.

.....I am requesting a law enforcement agency to immediately remove the unauthorized person or persons from the private property.

.....A copy of my valid government-issued identification is attached, or I am an agent of the property owner, and documents evidencing my authority to act on the property owner's behalf are attached.

I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS COMPLAINT ARE MADE UNDER PENALTY OF PERJURY.

This _____ day of _____, _____.

(Signature of Property Owner or Authorized Agent of Property Owner)"

"§ 42-81. Verification of complaint and removal of unauthorized persons.

Upon receipt of the complaint, the law enforcement agency shall verify that the person submitting the complaint is the record owner of the private real property or the authorized agent of the property owner and appears entitled to relief under this Article. If verified, the law enforcement agency shall, within 48 hours, remove the unauthorized person or persons from the property. If appropriate, the law enforcement agency may arrest any person found in the property for trespass, outstanding warrants, or any other legal cause. The property owner or the authorized agent of the property owner may request that the law enforcement agency stand by to keep the peace while the property owner or agent of the owner changes the locks and removes the personal property of the unauthorized person or persons from the premises to or near the property line. If the property owner requests the law enforcement agency to stand by, the law enforcement agency may charge a reasonable hourly rate, not to exceed twenty-five dollars (\$25.00) an hour, and the person requesting the law enforcement agency to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the law enforcement agency. The law enforcement agency is not liable to the unauthorized person or persons or any other party for loss, destruction, or damage of personal property. The property owner or the authorized agent of the property owner is not liable to an unauthorized person or persons or any other party for the loss, destruction, or damage to any personal property unless the removal was wrongful.

"§ 42-82. Remedy for wrongful removal.

(a) A person may bring a civil cause of action for wrongful removal under this Article. A person harmed by a wrongful removal under this Article may be entitled to recover possession of the property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the residence, court costs, and reasonable attorney fees.

(b) This Article does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unauthorized person or persons for trespassing, vandalism, theft, or other crimes."

SECTION 1.(b) The Administrative Office of the Courts, in consultation with the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police, shall develop the complaint form to implement the process provided for in this act.

SECTION 2. This act becomes effective October 1, 2024.