

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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PRINCIPAL CLERK

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SENATE BILL DRS15032-NO-20B

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

Sponsors: Senators Settle, Sawyer, and Lazzara (Primary Sponsors).

Referred to:

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

5 The General Assembly of North Carolina enacts:

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

8 "Article 8.

9 "Expedited Removal of Unauthorized Persons from Residential Property.

10 "**§ 42-79. Definitions.**

11 The following definitions apply to this Article:

- 12 (1) Authorized representative. – A real estate broker or other person who has  
13 written legal authority to act on behalf of a property owner.  
14 (2) Contract for deed. – As defined in G.S. 47H-1.  
15 (3) Law enforcement agency. – A county sheriff's office, a county police  
16 department, or a municipal police department.  
17 (4) Real estate broker. – As defined in G.S. 93A-2(a).  
18 (5) Residential property. – As defined in G.S. 42A-4.  
19 (6) Tenant. – As defined in G.S. 42-59.  
20 (7) Unauthorized person. – A person or persons occupying residential property  
21 who has no legal claim to the property, is not entitled to occupy it under a  
22 valid rental agreement or contract for deed signed by the property owner or  
23 the property owner's authorized representative, has not paid any rent or other  
24 form of payment to the property owner or an authorized representative of the  
25 property owner in connection with the occupancy of the property, and is not  
26 otherwise authorized to occupy the property. This term does not include a  
27 tenant who holds over after the lease term has expired under G.S. 42-26.

28 "**§ 42-80. Requirements for removal of unauthorized persons.**

29 A property owner or an authorized representative of the property owner may request from a  
30 law enforcement agency with jurisdiction over where the residential property is located the  
31 removal of an unauthorized person unlawfully occupying the residential property pursuant to this  
32 Article if all of the following conditions are met:

- 33 (1) The requesting party is the property owner or the authorized representative of  
34 the property owner.  
35 (2) The property that is being unlawfully occupied is residential property or  
36 property used in connection with or appurtenant to residential property.



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- 1           (3)    An unauthorized person has entered the property after the property owner  
2           acquired the property and is remaining or residing unlawfully on the  
3           residential property of the property owner.
- 4           (4)    The property was not offered or intended as an accommodation for the general  
5           public at the time the unauthorized person entered.
- 6           (5)    The property owner or the authorized representative of the property owner has  
7           directed the unauthorized person to leave the residential property.
- 8           (6)    The unauthorized person is not a tenant.
- 9           (7)    There is no pending litigation between the property owner and the  
10          unauthorized person related to the residential property.
- 11          (8)    No other valid rental agreement or contract for deed has been entered into or  
12          formed by the property owner or a former property owner and the  
13          unauthorized person permitting the unauthorized person to occupy the  
14          residential property.
- 15          (9)    No rent or other form of payment has ever been demanded of or paid by the  
16          unauthorized person to the property owner or to an authorized representative  
17          of the property owner in connection with the occupancy of the residential  
18          property.

19    **§ 42-81. Expedited removal affidavit.**

20          (a)    To request the immediate removal of an unauthorized person from residential  
21          property, the property owner or an authorized representative of the property owner must appear  
22          before the clerk of superior court in the county where the property is located and complete a  
23          sworn affidavit on a form created pursuant to subsection (c) of this section. If the office of the  
24          clerk of superior court is closed, the property owner or an authorized representative of the  
25          property owner may complete the sworn affidavit before a magistrate in the county where the  
26          property is located. The clerk of superior court or the magistrate shall sign the affidavit verifying  
27          that the property owner or the authorized representative of the property owner appeared before  
28          him or her and swore under oath or affirmation to the information contained therein. The property  
29          owner shall pay to the clerk of court or the magistrate a fee of twenty-five dollars (\$25.00) for  
30          completion of the sworn affidavit.

31          (b)    The affidavit shall allege all of the following:

- 32               (1)    The affiant is the property owner or the authorized representative of the  
33               property owner.
- 34               (2)    An unauthorized person has entered after the property owner acquired the  
35               property and is remaining or residing unlawfully on residential property of the  
36               property owner.
- 37               (3)    The unauthorized person has been directed by the property owner or the  
38               authorized representative of the property owner to leave the property, but the  
39               unauthorized person remains on the property.
- 40               (4)    The property was not offered or intended as an accommodation for the general  
41               public at the time the unauthorized person entered the residential property.
- 42               (5)    The unauthorized person is not a tenant pursuant to any valid lease authorized  
43               by the property owner.
- 44               (6)    The unauthorized person is not an owner or co-owner of the property and has  
45               not been listed on the valid record title to the property.
- 46               (7)    The property owner has not entered into a contract for deed, installment land  
47               contract, rent-to-own agreement, lease with option to purchase, or any other  
48               contract in which the property owner agreed to sell an interest in the residential  
49               property to the unauthorized person.

1           (8)    The property owner has never demanded nor received rent or other form of  
2               payment directly from the unauthorized person in connection with the  
3               occupancy of the residential property.

4           (9)    There is no litigation related to the property pending between the property  
5               owner and the unauthorized person.

6           (c)    The Administrative Office of the Courts, in consultation with the North Carolina  
7               Sheriffs' Association and the North Carolina Association of Chiefs of Police, shall develop a  
8               form for the affidavit required by this section. In addition to the required allegations set forth in  
9               subsection (b) of this section, the form shall require the property owner to provide the property  
10              address and may include space for the property owner to provide information that may assist law  
11              enforcement in identifying the unauthorized person. The form shall also include clear language  
12              notifying the affiant that providing false information or statements on the affidavit is perjury  
13              pursuant to G.S. 14-209 and punishable as a Class F felony. The form shall further notify the  
14              affiant that any person removed from the residential property as a result of the affidavit may have  
15              a cause of action against the affiant for any false information or statements provided on the  
16              affidavit or wrongfully using the procedures provided in this Article.

17    **"§ 42-82. Removal of unauthorized persons.**

18           Upon completion of the affidavit before the clerk or the magistrate, the property owner or  
19               authorized representative of the property owner shall provide the original affidavit to the law  
20               enforcement agency with jurisdiction over where the residential property is located. Within 24  
21               hours after receipt of the affidavit, the law enforcement agency shall remove the unauthorized  
22               person from the residential property. If appropriate, the law enforcement agency may arrest any  
23               person found in the property for trespass, outstanding warrants, or any other legal cause. The  
24               property owner or the authorized representative of the property owner may request that the law  
25               enforcement agency stand by to keep the peace while the property owner or authorized  
26               representative of the property owner changes the locks and removes the personal property of the  
27               unauthorized person from the premises to or near the property line.

28    **"§ 42-83. Immunity from liability.**

29           No law enforcement agency, law enforcement officer, clerk of superior court, or magistrate  
30               may be held liable to an unauthorized person or any other person or entity for compliance with  
31               or actions taken in furtherance of the provisions of this Article, including for the loss or  
32               destruction of or damage to personal property, provided that the acts or omissions are made in  
33               good faith and do not constitute gross negligence, willful or wanton misconduct, or intentional  
34               wrongdoing. The property owner or the authorized representative of the property owner is not  
35               liable to an unauthorized person or any other person or entity for the loss or destruction of or  
36               damage to any personal property that arises out of or in any way relates to the removal of an  
37               unauthorized person pursuant to this Article unless the removal was wrongful.

38    **"§ 42-84. Remedy for wrongful removal.**

39           (a)    A person may bring a civil cause of action against the affiant for wrongful removal  
40               under this Article. A person harmed by a wrongful removal under this Article may be entitled to  
41               recover possession of the property and may recover from the affiant actual costs and damages  
42               incurred, statutory damages equal to triple the fair market rent of the residence, a civil penalty of  
43               not less than four hundred dollars (\$400.00) nor more than four thousand dollars (\$4,000) as  
44               determined by a court, court costs, and reasonable attorneys' fees.

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

48           **SECTION 2.** The Administrative Office of the Courts shall develop and make  
49               available the affidavit form required by G.S. 42-81, as enacted in Section 1 of this act, no later  
50               than September 30, 2025.

1                   **SECTION 3.** Section 1 of this act becomes effective October 1, 2025. The remainder  
2 of this act is effective when it becomes law.