

HCS HB 2896 -- UNLAWFUL USE OF REAL PROPERTY

SPONSOR: Amato

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Public Policy by a vote of 6 to 0. Voted "Do Pass" by the Standing Committee on Rules- Regulatory Oversight by a vote of 9 to 0.

This bill allows property owners to file a verified petition in the relevant court to seek relief for removing "unlawful occupants", as defined in the bill.

The bill requires that clerks under the supervision of a circuit clerk will assist the property owner with the filing process. The filing fees and court costs are the same as those for filing a claim in Associate Circuit Court. Upon filing of a verified petition, and for good cause shown in the petition, the court is required to immediately issue an ex parte order for removal of unlawful occupants.

This bill requires the petition to include the following details:

(a) That the "petitioner", as defined in the bill is the property owner or an authorized agent;

(b) That the property that is being occupied is a residential property;

(c) That one or more unlawful occupants are present on the property;

(d) That the property was not publicly accessible when the unlawful occupants entered;

(e) That the occupants lack permission or authorization from the owner to occupy the property;

(f) That the owner has instructed the occupants to leave, but they have refused;

(g) That the property hasn't been leased for three consecutive months and the occupants are not tenants;

(h) Verification that the occupants are not immediate family members of the owner; and

(i) That there's no ongoing legal dispute concerning the property between the owner and the occupants.

This bill specifies that after a hearing, the court can issue orders to the "respondent", as defined in the bill, for permanent exclusion, restraints, property expulsion, and cost reimbursement.

This bill mandates that once the court grants the ex parte order, the Sheriff of the county or city not within a county in which the property is located is responsible for the enforcement of the court orders and removal of unlawful occupants.

This bill allows for civil action in cases of unjust removal of an occupant, with possible damages and court cost reimbursement.

This bill specifies that criminal mischief is an offense committed by a person who unlawfully detains, occupies, or trespasses upon a residential property. The offense of criminal mischief is a class E felony.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill is necessary to stop squatters from taking over properties. The bill protects the property owners, law enforcement officials and renters.

Testifying in person for the bill were Representative Amato; and Arnie C. Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.