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Short Title: Expedited Removal of Unauthorized Persons.

(Public)

Sponsors:

Referred to:

February 12, 2025

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 AND TO MODIFY THE LAW RELATED TO PET SHOPS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 14 of the General Statutes is amended by adding a new Article
to read:

"Article 22D.

"Expedited Removal of Unauthorized Persons from Residential Property.

"§ 14-159.50. Definitions.

The following definitions apply to this Article:

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

"§ 14-159.51. Requirements for removal of unauthorized persons.

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 pursuant to this Article. The complaint in the proceeding shall allege at least the following:

- (1) The requesting party is the property owner or the authorized representative 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 owner 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.

"§ 14-159.52. Removal of unauthorized persons.

(a) An expedited removal proceeding shall commence with the filing of a complaint and issuance of a summons in the county where the property is located. If the office of the clerk of the superior court is closed, the complaint shall be filed with, and the summons issued by, a magistrate. The complainant shall provide the summons and the complaint to the sheriff. The service of the summons and complaint for expedited removal shall be made by the sheriff on the unauthorized person personally or by posting a copy of the summons and complaint on the front door of the property and shall be made within 24 hours of the sheriff receiving the summons and complaint for service. The sheriff, upon service, shall promptly file a return. A hearing on the expedited removal shall be held before a magistrate in the county where the property is located no less than 24 hours and no more than 48 hours after such service. To the extent that the provisions of this Article conflict with the Rules of Civil Procedure, Chapter 1A of the General Statutes, with respect to the commencement of an action or service of process, this Article controls.

(b) If the court finds for the property owner or authorized representative of the property owner, the court shall immediately enter a written order granting the property owner or authorized representative of the property owner possession and stating the time when the unauthorized person shall vacate the property. In no case shall this time be more than four hours after service of the order on the unauthorized person. The court's order shall be served on the unauthorized person at the hearing. If the unauthorized person does not appear at the hearing or leaves before the order is served, the complainant shall provide a copy of the order to the sheriff and the order shall be served by delivering the order to the unauthorized person or by posting the order on the front door of the property by the sheriff within 24 hours of the sheriff receiving the order for service. The sheriff, upon service, shall file a return.

"§ 14-159.53. Appeal.

An unauthorized person, property owner, or authorized representative of the property owner may appeal a court order issued pursuant to G.S. 14-159.52(b) to the district court for a trial de novo. If the court finds for the property owner or the authorized representative of the property

owner, the court shall determine the amount of the appeal bond that the unauthorized person shall be required to post should the unauthorized person seek to appeal the court order. The amount of the bond shall be a minimum of ten thousand dollars (\$10,000), but may be set at a higher amount based on an estimate of the rent that could reasonably be charged for a valid rental of the property during the time the unauthorized person is prosecuting the appeal and reasonable damages that the property owner may suffer, including damage to property and damages arising from the inability of the property owner to reside in or rent the property during the unauthorized person's possession of the property.

"§ 14-159.54. Violation of court order.

If the court has entered an order of removal and an unauthorized person fails 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 may 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 issued pursuant to G.S. 14-159.52(b) shall constitute a criminal trespass under G.S. 14-159.13(a)(1).

"§ 14-159.55. Immunity from liability.

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

"§ 14-159.56. Remedy for wrongful removal.

(a) A person may bring a civil cause of action against the property owner or authorized representative 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 from the property owner or authorized representative damages limited to actual damages as in an action for trespass or conversion and shall not include punitive damages, treble damages, or damages for emotional distress.

(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 for trespassing, vandalism, theft, or other crimes."

SECTION 2. The Administrative Office of the Courts shall develop and make available the affidavit form required by G.S. 14-159.52, as enacted in Section 1 of this act, no later than September 30, 2025.

SECTION 3. Article 3 of Chapter 19A of the General Statutes is amended by adding a new section to read:

"§ 19A-27.5. State uniformity for operation of pet shops.

(a) Notwithstanding any other provision of law, 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:

(1) Prohibits or restricts the sale of animals by a pet store licensed pursuant to this Article.

(2) Imposes additional licensing, operational, or regulatory requirements on pet shops beyond those established by State law.

(b) The Board of Agriculture shall have exclusive authority to regulate the operation of a pet shop as provided by this Article."

1 **SECTION 4.** Section 1 of this act becomes effective December 1, 2025. The
2 remainder of this act is effective when it becomes law.