

Committee on Judiciary

CS/CS/HB 621 — Property Rights

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Steele and others (CS/CS/SB 888 by Rules Committee; Criminal Justice Committee; and Senators Perry and Yarborough)

Property owners have noted increased incidences of squatters taking over homes, and staying after discovery due to inadequate legal remedies. The bill creates an optional new procedure for a property owner to request that a sheriff's officer remove an unauthorized person from residential real property. The property owner must contact the sheriff and file a complaint under penalty of perjury listing the relevant facts that show eligibility for relief. The complaint form is in the bill. If the complaint shows that the owner is eligible for relief and the sheriff can verify ownership of the property, the sheriff must remove the unauthorized person. The property owner must pay the sheriff the civil eviction fee plus an hourly rate if a deputy must stand by and keep the peace while the unauthorized person is removed.

A person wrongfully removed pursuant to this procedure has a cause of action against the owner for three times the fair market rent, damages, costs, and attorney fees. The bill also creates three new crimes relating to unlawfully occupying a dwelling or fraudulently advertising property for sale or lease.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 39-0; House 108-0