

# HB474 ENGROSSED



1 HB474

2 QNHGE11-2

3 By Representatives Lipscomb, Hurst, Butler, Paschal, Shaw,

4 Morris, Stringer, Brown, Kirkland, Brinyark, Ellis, Pettus,

5 Treadaway, Estes, Moore (P), Underwood, Robertson, Hammett,

6 Rehm, Wood (D), Rigsby, Hulsey, Yarbrough, Ingram, DuBose,

7 Shaver, Kiel, Stadthagen, Sells, Clouse, Lee, Paramore, Whitt,

8 Crawford, Carns, Standridge, Robbins, Bolton, Mooney,

9 Easterbrook, Fincher, Wilcox, Gray, Chestnut, Lawrence,

10 Warren, Clarke, Forte, Travis, Lands, Starnes, Shirey, Lamb,

11 Gidley, Hassell, Bracy, Jackson, Tillman, Boyd, Ross, Fidler,

12 Givens, Colvin

13 RFD: Judiciary

14 First Read: 20-Mar-25



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A BILL

TO BE ENTITLED

AN ACT

Relating to property rights; to amend Sections 35-9B-1, 35-9B-2, 35-9B-3, and 35-9B-9; to clarify procedures and jurisdiction for local law enforcement to facilitate the removal of unauthorized individuals from the premises.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 35-9B-1, 35-9B-2, 35-9B-3, and 35-9B-9, Code of Alabama 1975, are amended to read as follows:

"§35-9B-1

For the purposes of this section, the following terms have the following meanings:~~term "dwelling" has the same meaning as provided in Section 13A-7-1~~

(1) AGENT. A person granted authority to act for an owner under a power of attorney, whether denominated an agent, attorney-in-fact, or otherwise.

(2) BUILDING. The term has the same meaning as provided in Section 13A-7-1.

(3) POWER OF ATTORNEY. A writing or other record that grants authority to an agent to act in the place of the owner, whether or not the term "power of attorney" is used.

(4) PREMISES. The term has the same meaning as provided



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in Section 13A-7-1.

"§35-9B-2

(a) The owner of the premises~~a dwelling~~ or the agent of the owner of the premises~~a dwelling~~ may request the removal of an unauthorized individual from the premises~~dwellings~~ by submitting a sworn affidavit to a law enforcement agency in the county where the premises~~dwellings~~ is located, as specified in subsection (d), containing all of the following elements:

(1) The affiant is the owner of the premises~~dwellings~~ or the agent of the owner of the premises~~dwellings~~.

(2) An individual has entered and is remaining unlawfully in or on the premises~~dwellings~~.

(3) The individual was not authorized to enter the premises~~dwellings~~ or remain in the dwelling on the premises.

(4) The individual is not a tenant, as defined in Section 35-9A-141, or a holdover tenant, as described in Section ~~34-9A-441~~35-9A-441.

(5) The affiant has requested that the unauthorized individual vacate the premises~~dwellings~~ as provided under this section and the individual has not done so.

(6) The unauthorized individual is not an immediate family member of the property owner.

(7) There is no pending litigation related to the ~~dwellings~~premises between the property owner and the unauthorized individual.

(b) The sworn affidavit requesting the removal of an unauthorized individual ~~from a dwelling~~ must be substantially in the following form, as adopted by the Alabama



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Administrative Office of Courts:

Affidavit to Remove An Individual Unauthorized to  
Occupy PremisesDwelling

I, the owner, or authorized agent of the owner, of the  
premisesdwelling located at \_\_\_\_\_ declare under the  
penalty of perjury that:

1. I am the owner of the premisesdwelling or the  
authorized agent of the owner of the premises,dwelling proof  
of ownership is attached in the form of a deed or similar  
document showing the owner's name.

~~2. The real property is a dwelling.~~

~~3.~~2. An unauthorized individual has unlawfully entered  
or remained in or on the premisesdwelling.

~~4.~~3. The unauthorized individual is not a tenant, a  
holdover tenant, or an immediate family member of the owner,  
and any lease that may be produced by the unauthorized  
individual is fraudulent.

~~5.~~4. The unauthorized individual does not have an  
ownership interest in the premisesproperty and is not listed  
on the title to the premisesproperty unless the individual has  
engaged in title fraud.

~~6.~~5. There is no litigation related to the  
premisesdwelling pending between the owner, or his or her  
agent, and any unauthorized individual.

~~7.~~6. Notice was provided by hand delivery to the  
unauthorized individual occupying the premisesdwelling or by  
posting notice on the premises, which may be on the front door  
or entrance ~~of the dwelling~~if the premises is a building, and



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evidence of the notice, including the date and time of delivery, is attached.

~~8-7.~~ I understand that an individual removed from the ~~property~~premises pursuant to this affidavit may bring a cause of action against me for any false statements made in this affidavit, or for wrongfully using this procedure, and that, as a result of such action, I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.

~~9-8.~~ I am requesting law enforcement to remove, as soon as possible, the unauthorized individual from the ~~premises~~dwelling.

~~10-9.~~ A copy of my valid government-issued identification is attached, or I am an agent of the property owner, and documents, such as a power of attorney, evidencing my authority to act on the property owner's behalf are attached.

I have read and assert the truth of every statement made in this affidavit. I understand that my statements in this affidavit are being made under penalty of perjury as provided in Section 13A-10-9.

[Signature of Property Owner or Agent of Property Owner]

[Contact Information of Property Owner or Agent of Property Owner]

(c) The affiant must provide notice at the ~~premises~~dwelling notifying the unauthorized individual that he or she has no right to the ~~premises~~dwelling and must vacate immediately. The notice must include the street address of the



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law enforcement agency where the affidavit will be delivered. A copy of the notice with the date and time of delivery must be attached to the affidavit.

(d) A municipal law enforcement agency shall have sole jurisdiction to enforce this section on the premises located in its corporate limits, unless otherwise agreed upon by the municipality and the county law enforcement agency.

"§35-9B-3

(a) Upon receipt of the affidavit and accompanying documents, the law enforcement agency shall verify that the affiant is the record owner of the premises~~dwelling~~ or the authorized agent of the owner of the premises~~dwelling~~ the affiant's information is complete, and the affiant appears otherwise entitled to relief. Upon verification after at least 24 hours from receipt of the affidavit, the law enforcement agency shall serve a notice to immediately vacate on the unauthorized individual and remove the unauthorized individual from the premises. Service of notice and removal cannot occur until 24 hours after receipt of the affidavit but must occur within three business days of verification. Service may be accomplished by hand delivery of the notice to any unauthorized individual occupying the premises~~dwelling~~ or by posting notice on the front door or entrance of the premises~~dwelling~~. Law enforcement shall also attempt to verify the identities of all individuals occupying the premises~~dwelling~~ and note the identities on the return of service. If appropriate, a law enforcement officer may arrest any individual found ~~in the dwelling~~ on the premises for



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trespass, burglary, theft, or any other criminal act, or for an outstanding warrant.

(b) A law enforcement agency may charge a fee of not more than fifty dollars (\$50) to process an affidavit filed pursuant to this section.

(c) Any fees received by a law enforcement agency pursuant to this chapter may be deposited in the sheriff's discretionary account or in the general fund of the municipality, as applicable, and may only be used for legitimate law enforcement purposes.

(d) A law enforcement agency shall not refuse to accept an affidavit for property in its jurisdiction and must either establish procedures for processing an affidavit received under this chapter or adopt a process established by the Alabama State Law Enforcement Agency."

"§35-9B-9

(a) For the purposes of this chapter, the ~~term~~terms "squatter" and "unauthorized individual" mean an individual~~means a person occupying a dwelling the premises who~~ is not entitled to occupy the ~~dwelling~~premises under a lease or rental agreement nor authorized by a tenant to occupy the ~~dwelling~~premises. The ~~term does~~terms do not include a tenant who holds over in periodic tenancy as described in Section 35-9A-441.

(b) Occupancy by a squatter or unauthorized individual is excluded from the application of Chapters 9 and 9A, and the removal of a squatter or unauthorized individual shall not require the use of an eviction action under those chapters."



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169                   Section 2. This act shall become effective on October  
170    1, 2025.





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### House of Representatives

174 Read for the first time and referred .....20-Mar-25  
175 to the House of Representatives  
176 committee on Judiciary  
177  
178 Read for the second time and placed .....09-Apr-25  
179 on the calendar:  
180 1 amendment  
181  
182 Read for the third time and passed .....29-Apr-25  
183 as amended  
184 Yeas 101  
185 Nays 0  
186 Abstains 0  
187  
188  
189  
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John Treadwell  
Clerk