

HB474 INTRODUCED



1 HB474

2 NRNV8T-1

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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SYNOPSIS:

Under existing law, an owner or an agent of an owner may request that local law enforcement officers remove an unauthorized individual from his or her premises.

This bill would further provide for additional procedures and clarify the jurisdiction under which local law enforcement may operate to remove an unauthorized individual from the premises.

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~~



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29 ~~meaning as provided in Section 13A-7-1~~

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

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

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

38 (4) PREMISES. The term has the same meaning as provided
39 in Section 13A-7-1.

40 "§35-9B-2

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

47 (1) The affiant is the owner of the premises~~dwelling~~ or
48 the agent of the owner of the premises~~dwelling~~.

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

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

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

56 (5) The affiant has requested that the unauthorized



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57 individual vacate the premises~~dwelling~~ as provided under this
58 section and the individual has not done so.

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

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

64 (b) The sworn affidavit requesting the removal of an
65 unauthorized individual ~~from a dwelling~~ must be substantially
66 in the following form, as adopted by the Alabama
67 Administrative Office of Courts:

68 Affidavit to Remove An Individual Unauthorized to
69 Occupy Premises~~Dwelling~~

70 I, the owner, or authorized agent of the owner, of the
71 premises~~dwelling~~ located at _____ declare under the
72 penalty of perjury that:

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

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

78 ~~3.~~2. An unauthorized individual has unlawfully entered
79 or remained in or on the premises~~dwelling~~.

80 ~~4.~~3. The unauthorized individual is not a tenant, a
81 holdover tenant, or an immediate family member of the owner,
82 and any lease that may be produced by the unauthorized
83 individual is fraudulent.

84 ~~5.~~4. The unauthorized individual does not have an



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85 ownership interest in the premises~~property~~ and is not listed
86 on the title to the premises~~property~~ unless the individual has
87 engaged in title fraud.

88 ~~6.5.~~ There is no litigation related to the
89 premises~~dwelling~~ pending between the owner, or his or her
90 agent, and any unauthorized individual.

91 ~~7.6.~~ Notice was provided by hand delivery to the
92 unauthorized individual occupying the premises~~dwelling~~ or by
93 posting notice on the premises, which may be on the front door
94 or entrance ~~of the dwelling~~if the premises is a building, and
95 evidence of the notice, including the date and time of
96 delivery, is attached.

97 ~~8.7.~~ I understand that an individual removed from the
98 ~~property~~premises pursuant to this affidavit may bring a cause
99 of action against me for any false statements made in this
100 affidavit, or for wrongfully using this procedure, and that,
101 as a result of such action, I may be held liable for actual
102 damages, penalties, costs, and reasonable attorney fees.

103 ~~9.8.~~ I am requesting law enforcement to remove, as soon
104 as possible, the unauthorized individual from the
105 premises~~dwelling~~.

106 ~~10.9.~~ A copy of my valid government-issued
107 identification is attached, or I am an agent of the property
108 owner, and documents, such as a power of attorney, evidencing
109 my authority to act on the property owner's behalf are
110 attached.

111 I have read and assert the truth of every statement
112 made in this affidavit. I understand that my statements in



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113 this affidavit are being made under penalty of perjury as
114 provided in Section 13A-10-9.

115 [Signature of Property Owner or Agent of Property
116 Owner]

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

119 (c) The affiant must provide notice at the
120 premises~~dwelling~~ notifying the unauthorized individual that he
121 or she has no right to the premises~~dwelling~~ and must vacate
122 immediately. The notice must include the street address of the
123 law enforcement agency where the affidavit will be delivered.
124 A copy of the notice with the date and time of delivery must
125 be attached to the affidavit.

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

130 "§35-9B-3

131 (a) Upon receipt of the affidavit and accompanying
132 documents, the law enforcement agency shall verify that the
133 affiant is the record owner of the premises~~dwelling~~ or the
134 authorized agent of the owner of the premises,~~dwelling~~ the
135 affiant's information is complete, and the affiant appears
136 otherwise entitled to relief. Within 24 hours of ~~Upon~~
137 verification but ~~after~~ at least 24 hours ~~from~~ after receipt
138 of the affidavit, the law enforcement agency shall serve a
139 notice to immediately vacate on the unauthorized individual
140 and remove the unauthorized individual from the premises.



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141 Service may be accomplished by hand delivery of the notice to
142 any unauthorized individual occupying the ~~premises~~~~dwelling~~ or
143 by posting notice on the front door or entrance of the
144 ~~premises~~~~dwelling~~. Law enforcement shall also attempt to verify
145 the identities of all individuals occupying the
146 ~~premises~~~~dwelling~~ and note the identities on the return of
147 service. If appropriate, a law enforcement officer may arrest
148 any individual found ~~in the dwelling~~on the premises for
149 trespass, burglary, theft, or any other criminal act, or for
150 an outstanding warrant.

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

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

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

164 "§35-9B-9

165 (a) For the purposes of this chapter, the ~~term~~terms
166 "squatter" and "unauthorized individual" mean an
167 individual~~means a person~~ occupying ~~a dwelling~~the premises who
168 is not entitled to occupy the ~~dwelling~~premises under a lease



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169 or rental agreement nor authorized by a tenant to occupy the
170 ~~dwelling~~premises. The ~~term does~~terms do not include a tenant
171 who holds over in periodic tenancy as described in Section
172 35-9A-441.

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

177 Section 2. This act shall become effective on October
178 1, 2025.