



## House Judiciary Reported Substitute for HB474

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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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29 in Section 13A-7-1.

30 "§35-9B-2

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

37 (1) The affiant is the owner of the premises~~dwelling~~ or  
38 the agent of the owner of the premises~~dwelling~~.

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

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

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

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

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

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

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



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57 Administrative Office of Courts:

58 Affidavit to Remove An Individual Unauthorized to  
59 Occupy Premises Dwelling

60 I, the owner, or authorized agent of the owner, of the  
61 premises dwelling located at \_\_\_\_\_ declare under the  
62 penalty of perjury that:

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

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

68 ~~3.~~2. An unauthorized individual has unlawfully entered  
69 or remained in or on the premises dwelling.

70 ~~4.~~3. The unauthorized individual is not a tenant, a  
71 holdover tenant, or an immediate family member of the owner,  
72 and any lease that may be produced by the unauthorized  
73 individual is fraudulent.

74 ~~5.~~4. The unauthorized individual does not have an  
75 ownership interest in the premises property and is not listed  
76 on the title to the premises property unless the individual has  
77 engaged in title fraud.

78 ~~6.~~5. There is no litigation related to the  
79 premises dwelling pending between the owner, or his or her  
80 agent, and any unauthorized individual.

81 ~~7.~~6. Notice was provided by hand delivery to the  
82 unauthorized individual occupying the premises dwelling or by  
83 posting notice on the premises, which may be on the front door  
84 or entrance ~~of the dwelling~~ if the premises is a building, and

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

87 ~~8-7.~~ I understand that an individual removed from the  
88 ~~property~~premises pursuant to this affidavit may bring a cause  
89 of action against me for any false statements made in this  
90 affidavit, or for wrongfully using this procedure, and that,  
91 as a result of such action, I may be held liable for actual  
92 damages, penalties, costs, and reasonable attorney fees.

93 ~~9-8.~~ I am requesting law enforcement to remove, as soon  
94 as possible, the unauthorized individual from the  
95 ~~premises~~dwelling.

96 ~~10-9.~~ A copy of my valid government-issued  
97 identification is attached, or I am an agent of the property  
98 owner, and documents, such as a power of attorney, evidencing  
99 my authority to act on the property owner's behalf are  
100 attached.

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

105 [Signature of Property Owner or Agent of Property  
106 Owner]

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

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



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

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

120 "§35-9B-3

121 (a) Upon receipt of the affidavit and accompanying  
122 documents, the law enforcement agency shall verify that the  
123 affiant is the record owner of the premises~~dwelling~~ or the  
124 authorized agent of the owner of the premises,~~dwelling~~ the  
125 affiant's information is complete, and the affiant appears  
126 otherwise entitled to relief. Upon verification ~~after at least~~  
127 ~~24 hours from receipt of the affidavit~~, the law enforcement  
128 agency shall serve a notice to immediately vacate on the  
129 unauthorized individual and remove the unauthorized individual  
130 from the premises. Service of notice and removal cannot occur  
131 until 24 hours after receipt of the affidavit but must occur  
132 within three business days of verification. Service may be  
133 accomplished by hand delivery of the notice to any  
134 unauthorized individual occupying the premises~~dwelling~~ or by  
135 posting notice on the front door or entrance of the  
136 premises~~dwelling~~. Law enforcement shall also attempt to verify  
137 the identities of all individuals occupying the  
138 premises~~dwelling~~ and note the identities on the return of  
139 service. If appropriate, a law enforcement officer may arrest  
140 any individual found ~~in the dwelling~~ on the premises for



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

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

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

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

156 "§35-9B-9

157 (a) For the purposes of this chapter, the ~~term~~terms  
158 "squatter" and "unauthorized individual" mean an  
159 individual~~means a person~~ occupying ~~a dwelling~~the premises who  
160 is not entitled to occupy the ~~dwelling~~premises under a lease  
161 or rental agreement nor authorized by a tenant to occupy the  
162 ~~dwelling~~premises. The ~~term does~~terms do not include a tenant  
163 who holds over in periodic tenancy as described in Section  
164 35-9A-441.

165 (b) Occupancy by a squatter or unauthorized individual  
166 is excluded from the application of Chapters 9 and 9A, and the  
167 removal of a squatter or unauthorized individual shall not  
168 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.