As Amended by House Committee

Session of 2025

HOUSE BILL No. 2378

By Committee on Federal and State Affairs

Requested by Representative Will Carpenter

2-11

AN ACT establishing removal of squatters act; requiring an owner or agent of a dwelling unit to provide a ~~detailed~~ **notarized** affidavit regarding a person identified as a squatter; providing criminal penalties for an owner or agent knowingly providing a false affidavit; establishing **the** duties of ~~the county sheriff~~ **law enforcement agencies**; establishing a civil cause of action against an owner or agent for wrongful removal.

Be it enacted by the Legislature of the State of Kansas:

Section 1. The legislature finds that the fundamental rights of owning property include the right of the owner to exclude others from entering or remaining unlawfully on the property. The legislature further finds that squatting, or the unauthorized entry into or remaining in a dwelling, is a violation of the rights of property owners and is against the public interest. The intent of this act is to ensure that squatting is considered a crime, to adequately protect the rights of property owners, and to provide a timely and effective mechanism for removing squatters while protecting the rights of legitimate occupants.

Sec. 2. (a) The owner of a dwelling unit or the agent of the owner of a dwelling unit may request the removal of an unauthorized person from the dwelling unit by submitting ~~an~~ **a notarized** affidavit to ~~the county sheriff~~ **a law enforcement agency** in the county where the dwelling unit is located containing the following elements:

(1) The affiant is the owner of the dwelling unit or the agent of the owner of the dwelling unit;

(2) a person has entered and is remaining unlawfully in the dwelling unit;

(3) the person was not authorized to enter the dwelling unit;

(4) the person is not a tenant or a holdover tenant;

(5) the affiant has requested the unauthorized person to vacate the dwelling unit and the person has not done so; and

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

(b) ~~(1) "Dwelling unit" has the same meaning as defined in K.S.A. 58-2543, and amendments thereto.~~

~~(2) "Tenant" has the same meaning as defined in K.S.A. 58-2543, and amendments thereto~~ **An affiant who knowingly provides a false affidavit to a law enforcement agency under this section may be charged with a class A nonperson misdemeanor**.

Sec. 3. (a) Upon receipt of the affidavit, the ~~county sheriff~~ **applicable law enforcement agency** shall verify that the affiant is the record owner of the dwelling unit or the authorized agent of the owner of the dwelling unit and appears otherwise entitled to relief. Upon verification and after at least 24 hours from receipt of the affidavit, ~~the county sheriff~~ **a law enforcement officer** shall serve a notice on the unauthorized person to vacate immediately the dwelling unit.

(b) Service may be accomplished by hand delivery of the notice to any unauthorized person occupying the dwelling or by posting notice on the front door or entrance of the dwelling unit. The ~~county sheriff~~ **law enforcement agency** shall also attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service.

(c) The ~~county sheriff~~ **law enforcement agency** may arrest any person found in the dwelling unit for trespass, burglary, theft**, damage to property** or any other criminal act, or for an outstanding arrest warrant.

(d) The ~~county sheriff~~ **law enforcement officer** may charge a fee of not more than $50 to process an affidavit filed pursuant to this act.

Sec. 4. ~~(a)~~ The affiant owner of the dwelling unit or the agent of the owner of the dwelling unit shall provide notice at the dwelling unit notifying the unauthorized person that such person has no right to occupy the dwelling unit and must vacate immediately. The notice shall include the street address of the ~~county sheriff's office~~ **law enforcement agency** where the affidavit will be delivered. A copy of the notice with the date and time of delivery shall be attached to the affidavit.

~~(b) An affiant who knowingly provides a false affidavit to the county sheriff may be charged with a class A nonperson misdemeanor.~~

Sec. 5. No ~~county sheriff's department~~ **law enforcement agency or such agency's deputies or employees** or political subdivision of the state may be held liable for any action or omission made in good faith pursuant to this act. A ~~county sheriff's~~ **law enforcement** officer is not liable to an unauthorized person individual or any other party for loss, destruction or damage of property.

Sec. 6. A person may bring a civil cause of action for wrongful removal under this act against the affiant owner of the dwelling unit or agent of the owner of the dwelling unit. An person harmed by a wrongful removal under this act may have the possession of the dwelling unit restored and may recover actual costs and damages, as well as punitive damages of triple the fair market rent of the dwelling, plus court costs and

reasonable attorney fees.

Sec. 7. (a) Sections 1 through 7, and amendments thereto, shall be known as the removal of squatters act.

(b) **As used in this act:**

(1) "Dwelling unit" means the same as defined in K.S.A. 58-2543, and amendments thereto, except that "dwelling unit" includes commercial property and mobile homes.

(2) "Immediate family member" means spouse, child, grandchild of any degree, parent, mother-in-law, father-in-law, grandparent of any degree, brother, brother-in-law, sister, sister-in-law, half-brother, half-sister, uncle, aunt, nephew or niece, whether biological, step or adoptive.

(3) "Law enforcement agency" and "law enforcement officer" mean the same as defined in K.S.A. 22-4606, and amendments thereto.

(4) "Squatter" means a person occupying a dwelling who is not entitled to occupy the dwelling under a lease or rental agreement nor authorized by a tenant to occupy the dwelling. "Squatter" does not include a tenant who holds over in periodic tenancy.

(5) "Tenant" means the same as defined in K.S.A. 58-2543, and amendments thereto.

(c) Occupancy by a squatter is excluded from the residential landlord tenant act and the removal of a squatter shall not require the use of an eviction action under such act.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.