

February 14, 2025

The Honorable Tom Kessler, Chairperson  
House Committee on Federal and State Affairs  
300 SW 10th Avenue, Room 346-S  
Topeka, Kansas 66612

Dear Representative Kessler:

**SUBJECT:** Fiscal Note for HB 2378 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2378 is respectfully submitted to your committee.

HB 2378 would create the Removal of Squatters Act. The intent of the Act would be 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. The bill would define squatter as 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 would not include a tenant who holds over in periodic tenancy. Occupancy by a squatter would be excluded from the Residential Landlord Tenant Act, and the removal of a squatter would not require the use of an eviction action under the Residential Landlord Tenant Act.

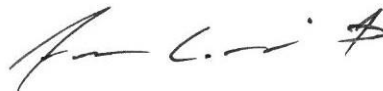
The bill would allow the owner or the agent of a dwelling to request the removal of a squatter from the dwelling by filing an affidavit with the county sheriff in the county where the dwelling is located. The bill would list information required to be included in the affidavit. The sheriff would then verify that the filer of the affidavit is the record owner or agent of the owner of the dwelling. The sheriff could charge a fee of up to \$50 to process the affidavit. If the owner knowingly provides a false affidavit to the sheriff, the owner would be charged with a class A, nonperson misdemeanor. The bill would describe the process for serving notice and removal of the unauthorized occupant. The bill would also require the owner to notify the unauthorized occupant that the occupant has no right to occupy the dwelling and must vacate immediately.

The sheriff's department or the political subdivision of the state would not be liable for any action or omission made in good faith under the Act. The bill would authorize a person to bring a civil cause of action against the owner for wrongful removal and allow for the recovery of costs and damages associated with the wrongful removal.

The Office of Judicial Administration states HB 2378 could increase the number of cases filed in the district courts because the bill creates a new crime and allows a civil cause of action. This would increase time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the new crime carries a class A, nonperson misdemeanor penalty, there could also be additional supervision of offenders by court services officers. Enactment of the bill could increase the collection of docket fees, fines, and supervision fees that would be deposited into the State General Fund. The agency is unable to estimate a precise fiscal effect. Any fiscal effect associated with HB 2378 is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates HB 2378 could increase costs for counties associated with the sheriff's office being responsible for accepting, processing, and possibly investigating the merits of the affidavits as well as carrying out the removal of a squatter. The bill would allow the sheriff's office to charge a fee of up to \$50 to process an affidavit which could cover some portion of additional costs of implementing the bill's provisions. The Association is unable to estimate a precise fiscal effect of the bill if it is enacted.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt  
Director of the Budget

cc: Trisha Morrow, Judiciary  
Jay Hall, Kansas Association of Counties