House of Representatives

General Assembly

File No. 227

January Session, 2025

Substitute House Bill No. 6338

House of Representatives, March 25, 2025

The Committee on Housing reported through REP. FELIPE of the 130th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PERMITTING REMOVAL OF AN UNAUTHORIZED INDIVIDUAL FROM REAL PROPERTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2025*) (a) As used in this section:

(1) "Dwelling unit", "owner", "rental agreement" and "tenant" have the same meanings as provided in section 47a-1 of the general statutes; and

(2) "Unauthorized person" means any individual who is unlawfully occupying real property and who is not (A) a current or former tenant of the owner of the real property, or (B) immediate family, as defined in section 1-91 of the general statutes, of the owner of the real property.

(b) Any owner of real property, or such owner's authorized agent, may request from a state marshal the immediate removal of any unauthorized person pursuant to this section if:

(1) The person requesting such removal is the owner of the real

property that is being occupied by such unauthorized person or is such owner's authorized agent;

(2) Such unauthorized person has unlawfully entered and remains or continues to reside on such owner's real property;

(3) Such owner or such owner's authorized agent has directed such unauthorized person to leave such owner's real property;

(4) Such unauthorized person cannot produce documentation, correspondence or identification cards issued by any governmental agency identifying that such unauthorized person resided on such real property during the immediately preceding twelve months;

(5) Such unauthorized person cannot produce a rental agreement signed by such owner of real property or such owner's authorized agent; and

(6) There is no pending litigation related to such real property between such owner of real property and such unauthorized person occupying such real property.

(c) To request the immediate removal of any unauthorized person, the owner of the real property, or such owner's authorized agent, shall submit a completed Affidavit Concerning the Removal of Persons Unlawfully Occupying A Dwelling Unit to a state marshal. The submitted affidavit shall be in substantially the following form:

AFFIDAVIT CONCERNING THE REMOVAL OF PERSONS UNLAWFULLY OCCUPYING A DWELLING UNIT

I, the owner or authorized agent of the owner of the real property located at ... ..., declare under the penalty of perjury that (initial each box):

1. ... ... I am the owner of the real property or the authorized agent of the owner of the real property.

2. ... ... I purchased the property on ... .

3. ... ... An unauthorized person or persons have unlawfully entered and are remaining or residing unlawfully on the real property.

4. ... ... I have directed the unauthorized person or persons to leave the real property, but they have not done so.

5. ... ... The person or persons are not current or former tenants pursuant to any valid rental agreement authorized by the property owner, and any rental agreement that may be produced by an occupant is fraudulent.

6. ... ... The unauthorized person or persons sought to be removed are not an owner or a co-owner of the property and have not been listed on the title to the property unless the person or persons have engaged in slander of the title.

7. ... ... The unauthorized person or persons are not immediate family members of the property owner.

8. ... ... There is no litigation related to the real property pending between the property owner and any person sought to be removed from the real property.

9. ... ... I understand that a person or persons removed from the property pursuant to this procedure may bring a cause of action against me for any false statements made in this affidavit, and that as a result of such action I may be held liable for actual damages, penalties, costs and reasonable attorney's fees.

10. ... ... I am requesting the state marshal to immediately remove the unauthorized person or persons from the property.

11. ... ... A copy of my valid government-issued identification is attached, or I am an agent of the property owner, and documents evidencing my authority to act on the property owner's behalf are attached.

I HAVE READ EVERY STATEMENT MADE IN THIS AFFIDAVIT

AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS AFFIDAVIT ARE MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 53A-156 OF THE GENERAL STATUTES.

Signed this .... day of ...., 20....

Witnessed by ....

....

(Acknowledgment)

(d) Upon receipt of an affidavit pursuant to subsection (c) of this section, the state marshal shall verify that the person submitting such affidavit is the record owner of the real property or the authorized agent of such record owner and appears otherwise entitled to relief under this section. If verified, the state marshal shall, without delay, serve a notice to immediately vacate on any unauthorized person occupying such real property and shall put such record owner of such real property in possession of such real property. Service may be accomplished by hand delivery of the notice to an occupant of the real property or by posting such notice on the front door or entrance of such real property. Such state marshal shall attempt to verify the identity of each person occupying the dwelling and note such identity on the return of service.

(e) Any person may bring a civil cause of action against the owner of the real property or such owner's authorized agent for wrongful removal under this section. A person harmed by a wrongful removal under this section may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs and reasonable attorney's fees.

(f) Any owner or such owner's authorized agent who makes a false statement in an affidavit submitted to a state marshal pursuant to the provisions of subsection (c) of this section shall be subject to the penalties for false statement under section 53a-157b of the general

statutes.

(g) Any unauthorized person who is served a notice to immediately vacate the owner's real property pursuant to the provisions of subsection (d) of this section shall be subject to the penalties for criminal trespass in the second degree under section 53a-108 of the general statutes.

(h) This section does not limit the rights of any owner of real property, or limit the authority of any law enforcement officer to arrest any unlawful occupant for trespassing, vandalism, theft or other crimes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2025*	New section

Statement of Legislative Commissioners:
In Subsecs. (b) and (c), "lease" was changed to "rental agreement" for consistency with the defined term.

HSG *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 $	FY 27 $
Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 26 $	FY 27 $
Various Municipalities	Potential Savings	Minimal	Minimal

Explanation

The bill, which creates a process for removal of unauthorized persons from real property, results in (1) a potential cost to the Judicial Department for probation, (2) a potential revenue gain to the General Fund from fines, and (3) a potential savings to various municipalities related to a possible decrease in evictions.

The bill expands what may be considered a false statement and criminal trespass in the second degree. This results in a potential cost to the Judicial Department for probation and a potential revenue gain to the General Fund from fines.[1] On average, the marginal cost for

[1] In FY 23 and FY 24, a total of $1,500 was collected under CGS 53a-157b (false statements). In FY 23 and FY 24, a total of $1,735 was collected under CGS 53a-108 (criminal trespasses).

supervision in the community is less than $600[2] each year for adults. It is anticipated that few, if any, additional individuals will be charged under this bill.

To the extent the bill results in fewer evictions, there may be a potential savings to municipalities associated with storing fewer possessions of evicted tenants, beginning in FY 26.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject (1) to the actual number of offenses associated with this bill and (2) to the number of evictions and property municipalities must store as a result.

[2] Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

OLR Bill Analysis

sHB 6338

AN ACT PERMITTING REMOVAL OF AN UNAUTHORIZED INDIVIDUAL FROM REAL PROPERTY.

SUMMARY

This bill creates a new process by which a property owner or their authorized agent may have an unlawful occupant (i.e. "unauthorized person") immediately removed from the owner's property by a state marshal, under certain circumstances.

Under the bill, an "unauthorized person" is someone who unlawfully occupies a property and is not the property owner's (1) current or former tenant or (2) immediate family (i.e. spouse or dependent children or relatives living in the property owner's household). As such, the bill does not preclude owners from availing themselves of existing law's summary process (i.e. eviction process) to remove occupants to whom the bill does not apply (see BACKGROUND).

The bill's new removal process is available to owners or their agents only if there is no pending litigation related to the property between the owner and the unlawful occupant, and only in situations in which such occupant:

1. unlawfully entered the property, was asked by the owner or the agent to leave, and stayed or continues to live on the property; and

2. cannot produce a signed rental agreement and certain other address verification documents the bill specifies.

Regarding the removal procedures, the bill:

1. prescribes the form and content of the affidavit that the owner

must submit to the state marshal to request the unlawful occupant's immediate removal, and imposes criminal penalties for false statements;

2. requires the state marshal, upon receipt of the affidavit, to verify that the person who signed it (i.e. the affiant) is the owner of record or authorized agent, and determine if conditions for relief under the bill are met; and

3. requires the state marshal, if the above is verified, to (a) serve notice to the unlawful occupant to vacate immediately and (b) put the owner in possession of the property.

The bill also (1) establishes what constitutes proper service of the notice to vacate and subjects the person served to penalties for 2nd degree trespassing and (2) creates a civil cause of action against the owner or agent for wrongful removal.

Lastly, the bill specifies that it does not limit property owners' rights, or law enforcement officers' existing authority to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

EFFECTIVE DATE: October 1, 2025

SIGNED AGREEMENT AND ADDRESS VERIFICATION

The bill subjects an unlawful occupant to the removal process if he or she cannot provide (1) a rental agreement signed by the owner or the agent and (2) documentation, correspondence, or government-issued identification cards showing that the occupant lived on the property during the 12 months immediately preceding the owner's or agent's removal request to the state marshal.

(Under the bill, it is unclear how a person lawfully occupying a dwelling unit under an oral rental agreement would provide proof of tenancy.)

AFFIDAVIT REQUIRED TO INITIATE REMOVAL PROCESS

Content and Form

To initiate the removal process, the bill requires the owner or agent to submit an affidavit along with a copy of the owner's valid government-issued identification or documents showing the agent's authority to act on the owner's behalf. The affidavit must be in substantially the following form:

AFFIDAVIT CONCERNING THE REMOVAL OF PERSONS UNLAWFULLY OCCUPYING A DWELLING UNIT

I, the owner or authorized agent of the owner of the real property located at ... ..., declare under the penalty of perjury that (initial each box):

1. ... ... I am the owner of the real property or the authorized agent of the owner of the real property.

2. ... ... I purchased the property on ... ...

3. ... ... An unauthorized person or persons have unlawfully entered and are remaining or residing unlawfully on the real property.

4. ... ... I have directed the unauthorized person or persons to leave the real property, but they have not done so.

5. ... ... The person or persons are not current or former tenants pursuant to any valid rental agreement authorized by the property owner, and any rental agreement that may be produced by an occupant is fraudulent.

6. ... ... The unauthorized person or persons sought to be removed are not an owner or a co-owner of the property and have not been listed on the title to the property unless the person or persons have engaged in slander of the title.

7. ... ... The unauthorized person or persons are not immediate family members of the property owner.

8. ... ... There is no litigation related to the real property pending between the property owner and any person sought to be removed from

the real property.

9. ... ... I understand that a person or persons removed from the property pursuant to this procedure may bring a cause of action against me for any false statements made in this affidavit, and that as a result of such action I may be held liable for actual damages, penalties, costs and reasonable attorney's fees.

10. ... ... I am requesting the state marshal to immediately remove the unauthorized person or persons from the property.

11. ... ... A copy of my valid government-issued identification is attached, or I am an agent of the property owner, and documents evidencing my authority to act on the property owner's behalf are attached.

I HAVE READ EVERY STATEMENT MADE IN THIS AFFIDAVIT AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS AFFIDAVIT ARE MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 53A-156 OF THE GENERAL STATUTES.

Signed this .... day of ...., 20...

Witnessed by ....

....

(Acknowledgment)

False Statement

Under the bill, an owner or authorized agent who makes a false statement in the affidavit commits the crime of false statement, a class A misdemeanor, punishable by a fine up to $2,000, up to 364 days in prison, or both.

NOTICE TO IMMEDIATELY VACATE

Under the bill, when the state marshal has verified that the affiant is

the owner on record or authorized agent and that the bill's conditions are met, the marshal must, without delay, (1) serve a notice on the unlawful occupant to immediately vacate the property and (2) put the record owner in possession (presumably by removing the unlawful occupant).

(The bill does not specify whether the marshal must, after serving notice, remove the unlawful occupant's possessions and personal effects, if any, or what happens to these items after the person's removal. Additionally, it does not specify the notice's required form or content.)

Proper Service

A state marshal (1) may serve the notice to vacate by hand to an occupant or post it on the property's front door or entrance and (2) must attempt to verify each occupant's identity and note this on the return of service.

Penalty

Under the bill, a person who is served a notice to immediately vacate is subject to the penalties for 2nd degree criminal trespass, a class B misdemeanor, punishable by a fine up to $1,000, up to six months in prison, or both.

Wrongful Removal

Under the bill, a person harmed by wrongful removal (1) has a civil cause of action against the owner or the authorized agent; (2) may be restored to possession of the property; and (3) may recover actual costs and damages incurred, court costs, reasonable attorney's fees, and statutory damages equal to three times the dwelling's fair market rent.

BACKGROUND

Summary Process

By law, once a landlord has a ground for eviction, he or she begins the process by serving the tenant with a notice to quit possession. The landlord must serve it at least three days before a rental agreement is terminated or before the time the notice to quit specifies (in other words,

the landlord must give the tenant at least three full days to move out).

If the tenant fails to respond to this notice by refusing to move from the rented premises, the landlord may start proceedings in Superior Court by filing a summons and complaint. The tenant may respond to the complaint; if he or she contests the action, the court may try the case and enter judgment. If the court rules for the landlord, it orders the judgment executed, and a state marshal removes the tenant and his or her belongings.

Related Bill

sHB 7078 (§ 1), favorably reported by the Insurance Committee, among other things, contains provisions that establish a substantially similar removal process except it (1) requires a police officer instead of a state marshal to serve the notice to vacate, (2) allows the occupant to provide rent payment documents in lieu of a signed rental agreement, and (3) does not subject the occupant to criminal penalties for trespassing.

COMMITTEE ACTION

Housing Committee

Joint Favorable
Yea 12 Nay 6 (03/06/2025)