General Assembly

Substitute Bill No. 6338

January Session, 2025

* H B 0 6 3 3 8 H S G 0 3 1 0 2 5 *

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*