

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

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

8
9 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

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

34 (b) ~~(1) "Dwelling unit" has the same meaning as defined in K.S.A.~~
35 ~~58-2543, and amendments thereto.~~

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

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

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

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

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

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

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

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

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

1 reasonable attorney fees.

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

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

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

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

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

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

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

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

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