

AN ACT relating to injury or trespass to real property.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔Section 1. KRS 381.230 is amended to read as follows:

(1) The owner of land may maintain the appropriate action to recover damages for any trespass or injury committed thereon, or to prevent or restrain any trespass or other injury thereto or thereon, notwithstanding the owner may not have the actual possession of the land at the time of the commission of the trespass.

(2) (a) An owner or lessee of residential real property, including a condominium, who actually resides on that property may maintain an action to prevent or restrain any trespass on the property without the payment of court costs or fees or the posting of any bond.

(b) Upon a showing in a verified petition that a trespass is occurring or is likely to occur, the court may issue an ex parte order to prevent or restrain the trespass, which may be enforced immediately by any peace officer.

(c) If the person being prevented or restrained believes that he or she has a lawful tenant and landlord relationship as evidenced by the payment of rent or the presence of a lease or rental agreement, then the person may petition the court for a hearing to determine the legitimacy of the claim.

(d) The Court of Justice is requested to issue rules implementing this subsection that are designed to maximize access to the courts. The Administrative Office of the Courts shall develop and distribute to each circuit clerk's office a set of forms allowing these persons to petition for the relief allowed under this section.

(e) An order issued under this section shall be subordinate to an order of protection issued under KRS 403.715 to 403.785.