



State of Tennessee

PUBLIC CHAPTER NO. 1009

SENATE BILL NO. 795

By Gardenhire, Taylor, Bowling, Lundberg, Niceley, Pody, Powers, Stevens, Walley, White

Substituted for: House Bill No. 1259

By Rudd, Vital, Capley, Bulso, Grills, Brock Martin, Doggett, Carr, Bricken, Raper, Baum, McCalmon, Helton-Haynes, Moon, Crawford, Whitson; Mr. Speaker Sexton; Ragan, Faison, Cepicky, Gant, Russell, Davis, Darby, Kumar, Rudder, Greg Martin, Howell, Carringer, Terry, Lafferty, Eldridge, Zachary, Hale, Reedy, Chism, Lynn, Parkinson, McKenzie, Holsclaw, Curtis Johnson, Slater, Leatherwood, Farmer, Powers, Keisling, White, Towns, Moody, Garrett, Marsh, Burkhardt, Tim Hicks, Hill, Hazlewood, Sherrell, Lamberth, Fritts, Todd, Butler, Jernigan, Stevens, Wright, Hawk, Barrett, Haston, Alexander, Hardaway, Richey, Hurt, Gary Hicks, Boyd, Travis

AN ACT to amend Tennessee Code Annotated, Title 29 and Title 66, relative to real property.

WHEREAS, the general assembly finds that the right to exclude others from entering, and the right to direct others to immediately vacate, residential real property are the most important real property rights; and

WHEREAS, the general assembly further finds that existing remedies regarding unauthorized persons who unlawfully remain on residential real property fail to adequately protect the rights of the property owner and fail to adequately discourage theft and vandalism; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 18, is amended by adding the following as a new section:

29-18-135. Limited alternative remedy to remove unauthorized persons from residential real property.

(a) As used in this section, "immediate family member" means a spouse, parent, sibling, or child.

(b) The intent of this section is to quickly restore possession of residential real property to the lawful owner of the property when the property is being unlawfully occupied and to thereby preserve property rights while limiting the opportunity for criminal activity.

(c) Notwithstanding this chapter to the contrary, a property owner, or the property owner's authorized agent, may request from the sheriff of the county in which the property is located the immediate removal of any person unlawfully occupying a residential dwelling pursuant to this section if the following conditions are met:

(1) The requesting person is the property owner or authorized agent of the property owner;

(2) The real property that is being occupied includes a residential dwelling;

(3) An unauthorized person has unlawfully entered and remains or continues to reside on the property owner's property;

(4) The real property was not open to members of the public at the time the unauthorized person entered;

(5) The property owner has directed the unauthorized person to leave the property;

(6) The unauthorized person is not a current or former tenant pursuant to a written or oral rental agreement authorized by the property owner;

(7) The unauthorized person is not an immediate family member of the property owner; and

(8) There is no pending litigation related to the real property between the property owner and any known unauthorized person.

(d) To request the immediate removal of an unlawful occupant of a residential dwelling, the property owner, or the property owner's authorized agent, must submit a complaint by presenting a completed and verified Complaint to Remove Persons Unlawfully Occupying Residential Real Property to the sheriff of the county in which the real property is located. The submitted complaint must be substantially in the following form:

COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING

RESIDENTIAL REAL PROPERTY

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. ___ The real property is a residential dwelling.

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

5. ___ The real property was not open to members of the public at the time the unauthorized person or persons entered.

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

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

8. ___ 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 title fraud.

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

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

11. ___ 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 complaint, or for wrongfully using this procedure, and that as a result of such action I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.

12. ___ I am requesting the sheriff to immediately remove the unauthorized person or persons from the residential property.

13. ___ 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 PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN TENNESSEE CODE ANNOTATED, SECTION 39-16-702.

_____ (Signature of Property Owner or Agent of Owner)

(e)(1) Upon receipt of the complaint, the sheriff shall verify that the person submitting the complaint is the record owner of the real property, or the authorized agent of the owner, and appears otherwise entitled to relief under this section. If verified, the sheriff shall, without delay, serve a notice to immediately vacate on all the unlawful occupants and shall put the owner in possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or entrance of the dwelling.

(2) The sheriff shall attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service. If appropriate, the sheriff may arrest any person found in the dwelling for trespass, outstanding warrants, or any other legal cause.

(f)(1) The sheriff is entitled to the same fee for service of the notice to immediately vacate as if the sheriff were serving a writ of possession under § 29-15-114.

(2) After the sheriff serves the notice to immediately vacate, the property owner, or authorized agent, may request that the sheriff stand by to keep the peace while the property owner, or agent of the owner, changes the locks and removes the personal property of the unlawful occupants from the premises to or near the property line. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the sheriff.

(3) The sheriff is not liable to the unlawful occupant or any other party for loss, destruction, or damage of property resulting from actions taken pursuant to this section.

(4) The property owner, or the property owner's authorized agent, is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property resulting from actions taken pursuant to this section unless the removal was wrongful.

(g)(1) A person may bring a civil cause of action for wrongful removal under this section. The court shall expedite the hearing on such a civil cause of action.

(2) 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 fees.

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

(i)(1) If any conflict exists between title 66, chapter 7, and this section, then this section controls.

(2) If any conflict exists between the Uniform Residential Landlord and Tenant Act, compiled in title 66, chapter 28, and this section, then this section controls.

SECTION 2. The heading in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it.

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PASSED: April 25, 2024


Randy McNally
RANDY McNALLY
SPEAKER OF THE SENATE


Cameron Sexton
CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of May 2024


Bill Lee
BILL LEE, GOVERNOR