

By: Representatives Powell, Yates, Mansell, To: Judiciary A
Varner, Felsher, Ford (73rd), Foster,
McMillan, Newman, Shanks, Wallace, Yancey,
Zuber, Sanford

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1200

1 AN ACT TO CREATE THE "REAL PROPERTY OWNERS PROTECTION ACT";
2 TO DEFINE SQUATTING; TO OUTLINE THE PROCESS TO REMOVE A SQUATTER;
3 TO PROVIDE A FORM FOR THE SUMMONS TO THE ALLEGED SQUATTER; TO
4 PRESCRIBE THE PROCEDURE FOR THE HEARING TO DETERMINE WHETHER A
5 PERSON IS A SQUATTER; TO REQUIRE A WARRANT OF REMOVAL FOR
6 SQUATTERS; TO PROVIDE PENALTIES FOR FALSE COMPLAINTS OF SQUATTING;
7 TO AMEND SECTIONS 89-8-3 AND 89-8-7, MISSISSIPPI CODE OF 1972, TO
8 CONFORM THE PROVISIONS OF LAW THAT REGULATE LANDLORD TENANT
9 AGREEMENTS TO THIS ACT; TO AMEND SECTION 95-5-29, MISSISSIPPI CODE
10 OF 1972, TO REVISE WHEN ACTIONS FOR FORGERY CAN BE BROUGHT; TO
11 AMEND SECTION 95-5-25, MISSISSIPPI CODE OF 1972, TO INCREASE THE
12 PENALTIES FOR INTENTIONALLY SETTING FIRE TO LANDS; TO PROVIDE THAT
13 ANY SQUATTER WHO COMMITS TRESPASS FOR ANY PERIOD OF TIME WITHOUT
14 THE AUTHORITY OF THE OWNER SHALL NOT ACCRUE RIGHTS TO THE
15 PROPERTY; TO PROVIDE THAT THE RIGHT TO MANAGE, CONTROL OR RECEIVE
16 PAYMENTS FOR ANY USE OF REAL PROPERTY SHALL ONLY BELONG TO THE
17 OWNER OF THE PROPERTY OR A PERSON DESIGNATED BY THE OWNER FOR SUCH
18 PURPOSES; TO PROVIDE ADDITIONAL REMEDIES TO LAND OWNERS BY
19 AUTHORIZING AN AMOUNT EQUAL TO THE VALUE LOST TO THE OWNER FOR ANY
20 RENTAL, MORTGAGE OR LEASE FEES THE OWNER COULD HAVE CHARGED DURING
21 A TRESPASSER'S FAILURE TO EXIT AS A REQUIRED ADDITION TO ANY
22 FINES; TO PROVIDE DEFINITIONS FOR SUCH ACT; TO AMEND SECTION
23 97-17-103, MISSISSIPPI CODE OF 1972, TO REVISE THE LIMITATION OF
24 LIABILITY OF LANDOWNERS TO TRESPASSERS BY INCLUDING SQUATTERS; AND
25 FOR RELATED PURPOSES.

26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

27 **SECTION 1.** This act shall be known and may be cited as the
28 "Real Property Owners Protection Act".



SECTION 2.

(1) (a) "Agent" means any person who contracts with the owner to assume all rights and duties of the owner or landlord or is given written authority by the owner to assume all rights and duties of the owner or landlord.

(b) "Owner" means the person listed on the deed in the chancery court of the county in which the premises is located.

(c) "Squatter" means and includes (a) a trespasser who remains on the premises for a period of time; or (b) any person who was invited by a tenant, but remains on the premises after the tenant's rental agreement has ended. A squatter shall not have the same rights or eviction process as a tenant as defined in Section 89-7-1 et seq. and Section 89-8-1 et seq. The term "squatter" does not mean or include any person with heirship rights.

(d) "Tenant" means the same as provided in Section 89-7-1 et seq. and Section 89-8-1 et seq.

(2) (a) Notwithstanding any other provision of law to the contrary, any person who commits the crime of trespass or otherwise enters or remains on another person's property for a short period of time or an indefinite period of time without the authority or consent of the owner or without the authority or consent of a person designated by the owner, shall not accrue any property rights based on the trespass or unauthorized entrance regardless of the time the person remains on the property.



53 (b) The right to manage, control or receive payments
54 for any use of real property shall only belong to the owner of the
55 property or an agent designated by the owner for such purposes.

56 (3) (a) A person commits the crime of squatting when he or
57 she trespasses onto property or is invited onto property and
58 remains on the property without the consent or authority of the
59 owner or an agent of the owner after written notification to leave
60 the premises by the owner or an agent of the owner or the law
61 enforcement agency of the municipality, county or political
62 subdivision in which the property is located.

63 (b) To commence the process to expel a squatter, the
64 owner of the property or his or her agent shall file a sworn
65 affidavit with the law enforcement agency of the municipality,
66 county or political subdivision in which the property is located.
67 The affidavit shall include:

68 (i) The address of the property in question;
69 (ii) The name and address of the person filing,
70 and whether such person is the owner or an agent of the owner of
71 the property;

72 (iii) Any documentation supporting the affidavit
73 of squatting; and

74 (c) No more than twenty-four (24) hours after the
75 filing of the sworn affidavit, the law enforcement agency shall
76 issued a citation upon the alleged squatter in possession of the
77 identified premises or claiming possession thereof. The citation



78 shall command such person to immediately vacate the premises or to
79 notify the municipal or justice court, as applicable, no more than
80 three (3) consecutive days after receipt of the citation that he
81 or she wishes to show cause why he or she is not squatting and
82 should continue in possession of the property. If the alleged
83 squatter fails to notify the municipal or justice court of his or
84 her intent to challenge the charge of squatting within the prescribed
85 time period of three (3) days, the squatter shall be subject to
86 immediate removal from property by the law enforcement agency of the
87 municipality, county or political subdivision in which the property in
88 question is located. No writ of removal shall be required for such
89 removal. The owner, his or her agent, nor the law enforcement
90 agency shall be liable for any damage to the squatter's personal
91 property.

92 In addition to the information required by this subsection
93 and the applicable Mississippi Rules of Court, the citation shall
94 state:

95 "You are being cited for squatting and required to vacate the
96 premises. If you choose to contest the allegation of squatting,
97 you must notify your municipal or justice court that you will
98 contest the allegations in no more than three (3) consecutive
99 business days from the date you receive this citation. If you do
100 not choose to contest the allegation of squatting, you must vacate
101 the property within twenty-four (24) hours from the date you
102 receive this citation. Failure to vacate the property when you



103 choose not to contest the allegation of squatting shall result in
104 your immediate removal and the immediate removal of all of your
105 personal property. No writ of removal shall be required for such
106 removal. The owner, nor any agent of the owner or the law
107 enforcement officer that removes you or your personal property
108 shall be liable for any damages associated with the removal. At
109 the hearing, the judge will determine if you are a squatter and
110 required to vacate, or if you are entitled to possession of the
111 premises.

112 If you are found to be a squatter, then you will have no more
113 than twenty-four (24) hours from the date of the judgment to move
114 out, unless a shorter period of time for vacating the premises is
115 ordered because of an emergency or other compelling circumstances.

116 If you are a squatter, criminal and civil penalties may be
117 assessed against you, and you shall vacate the premises by the
118 court-ordered move-out date.

119 If you move out by the date ordered by the court, leaving
120 personal property behind, then the owner or his or her agent may
121 dispose of such abandoned property without further notice.

122 If you do not move out by the date and time ordered by the
123 court, the owner or his or her agent can have you removed or
124 arrested by law enforcement, after which time you will lose your
125 authority to remove any items remaining on the premises.

126 The owner or his or her agent may remove any personal
127 property remaining on the premises in any manner determined best



by the owner or his or her agent. You may only retrieve your personal property if the owner or his or her agent approves retrieval, but neither the owner nor his or her agent will be obligated to preserve the personal property upon removal."

(d) Upon receipt by the municipal or justice court, as applicable, of notice to show cause from an alleged squatter within three (3) days of issuance of a citation for squatting, the court shall set a hearing to determine whether the allegation of squatting is true. The standard shall be a preponderance of the evidence. The hearing shall be set no later than seven (7) days from the date the court receives notice of the alleged squatter's intent to challenge the squatting citation.

(4) (a) The hearing to determine whether the person is a squatter shall be held no more than seven (7) days from the date on which the citation is issued.

(b) If a judgment to vacate is granted, then the judge shall order the squatter to vacate the premises no more than twenty-four (24) hours from the date of the judgment, unless the court finds that a shorter period of time is justified because of an emergency or other compelling circumstances. Circumstances that justify setting the move-out date less than twenty-four (24) hours from the date of the judgment, include, but are not limited to:

(i) The squatter has committed acts that materially affect health or safety; or



153 (ii) The squatter poses an immediate and
154 significant risk of damage to the premises or of harm or injury to
155 persons on the premises.

156 Prior to the court-ordered move-out date, the squatter shall
157 have access to the premises to remove all personal property. If
158 the squatter moves out by the date ordered by the court, leaving
159 personal property behind, then the owner may dispose of such
160 abandoned property without further notice.

161 (c) After the court-ordered move-out date, the owner or
162 his or her agent shall contact the law enforcement agency of the
163 municipality, county or political subdivision in which the
164 property is located, to immediately remove the person and his or
165 her personal property and put the owner or the agent of the owner
166 in full possession of the property. No writ of removal shall be
167 required for such removal. The owner, his or her agent, nor the
168 law enforcement agency shall be liable for any damage to the
169 squatter's personal property.

170 (5) (a) During the hearing to determine whether a person is
171 a squatter, the owner or his or her agent shall provide
172 documentation asserting his or her right to possess the property
173 in question. The standard for the hearing shall be a
174 preponderance of the evidence. If the owner filed the complaint
175 and presents a certified copy of the deed that shows him or her as
176 the owner of record, the court shall declare the person who is the



subject of the affidavit a squatter and issue a judgment of possession in favor of the owner in accordance with this act.

(b) If the person filing the complaint is not the owner but presents documentation that proves the person in possession is not the owner, a tenant of the property or any other person with a right to remain on the premises, the court shall declare the person to be a squatter and issue a warrant for removal as provided in this act.

(c) (i) If the court determines that the person in possession is not a squatter, he or she shall remain on the property.

(ii) If the court determines that the person who filed the complaint intentionally made false statements, the person shall be guilty of a misdemeanor and fined in an amount equal to triple all costs and fees accrued by the person who is the subject of the affidavit and may be imprisoned in the county jail for up to six (6) months, or both.

(d) The court shall award attorney's fees and an amount equal to the costs incurred as a result of the hearing to the prevailing party, in addition to any other monies the court finds necessary.

SECTION 3. Section 89-8-3, Mississippi Code of 1972, is amended as follows:

89-8-3. (1) This chapter shall apply to, regulate and determine rights, obligations and remedies under any rental



202 agreement entered into after July 1, 1991, wherever made, for a
203 dwelling unit located within this state. Any rights, obligations,
204 or remedies at law or in equity not prohibited by this chapter
205 remain available to residential landlords and tenants. The
206 provisions of this chapter shall not be construed to give rights
207 to any person who trespasses or otherwise enters and/or remains on
208 the property of another for any length of time without the
209 landlord's knowledge or permission.

210 (2) The following arrangements are not governed by this
211 chapter:

212 (a) Residence at an institution, public or private, if
213 incidental to detention or the provision of medical, geriatric,
214 educational, counseling, religious or similar service;

215 (b) Occupancy under a contract of sale of a dwelling
216 unit or the property of which it is a part, if the occupant is the
217 purchaser or a person who succeeds to the purchaser's interest;

218 (c) Occupancy by a member of a fraternal or social
219 organization in the portion of a structure operated for the
220 benefit of the organization;

221 (d) Transient occupancy in a hotel, motel or lodgings;

222 (e) Occupancy by an owner of a condominium unit or a
223 holder of a proprietary lease in a cooperative; or

224 (f) Occupancy under a rental agreement covering
225 premises used by the occupant primarily for agricultural purposes



or when the occupant is performing agricultural labor for the owner and the premises are rented for less than fair rental value.

SECTION 4. Section 89-8-7, Mississippi Code of 1972, is amended as follows:

89-8-7. (1) As used in this chapter, the following terms shall have the meaning ascribed herein unless the context requires otherwise:

(a) "Building and housing codes" means any law, ordinance, or governmental regulation concerning fitness for habitation, construction, maintenance, operation, occupancy or use of any premises or dwelling unit.

(b) "Court" means a justice court, a county court or a circuit court.

(c) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one (1) person who maintains a household or by two (2) or more persons who maintain a common household.

(d) "Good faith" means honesty in fact in the conduct of the transaction concerned and observation of reasonable community standards of fair dealing.

(e) "Judge" means a justice court judge, a county court judge or a circuit court judge.

(f) "Landlord" means the owner, lessor or sublessor of the dwelling unit or the building of which it is a part, or the agent representing such owner, lessor or sublessor.



251 (g) "Organization" means a corporation, government,
252 governmental subdivision or agency, business trust, estate, trust,
253 partnership or association, two (2) or more persons having a joint
254 or common interest, and any other legal or commercial entity.

255 (h) "Owner" means one or more persons, jointly or
256 severally, in whom is vested (i) all or part of the legal title to
257 property or (ii) all or part of the beneficial ownership and a
258 right to present use and enjoyment of the premises, and the term
259 includes a mortgagee in possession.

260 (i) "Premises" means a dwelling unit and the structure
261 of which it is a part, facilities and appurtenances therein, and
262 grounds, areas and facilities held out for the use of tenants
263 generally or whose use is promised to the tenant.

264 (j) "Possession judgment" means a judgment granting the
265 landlord exclusive possession of the premises pursuant to this
266 chapter.

267 (k) "Rent" means all payments to be made to the
268 landlord under the rental agreement, including any late fees that
269 are required to be paid under the rental agreement by a defaulting
270 tenant.

271 (l) "Rental agreement" means all written or oral
272 agreements for a dwelling unit located within this state that are
273 subject to this chapter.

274 (m) "Tenant" means a person entitled under a rental
275 agreement to occupy a dwelling unit to the exclusion of others,



and shall not include any person who trespasses or otherwise enters and/or remains on the property of another for any length of time without the landlord's knowledge or permission.

(n) "Qualified tenant management organizations" means any organization incorporated under the Mississippi Nonprofit Corporation Act, a majority of the directors of which are tenants of the housing project to be managed under a contract authorized by this section and which is able to conform to standards set by the United States Department of Housing and Urban Development as capable of satisfactorily performing the operational and management functions delegated to it by the contract.

(2) For purposes of giving any notice required under this chapter, notice given to the agent of the landlord is equivalent to giving notice to the landlord. The landlord may contract with an agent to assume all the rights and duties of the landlord under this chapter; provided, however, that such a contract does not relieve the landlord of ultimate liability in regard to such rights and duties.

SECTION 5. (1) Notwithstanding any other provision of law to the contrary, any squatter who commits trespass or otherwise enters or remains on another person's property for a short period of time without the authority or consent of the owner or without the authority or consent of a person designated by the owner, shall not accrue any property rights based on the trespass or unauthorized entrance.



(2) The right to manage, control or receive payments for any use of real property shall only belong to the owner of the property or a person designated by the owner for such purposes.

SECTION 6. (1) Any person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying, granting or authorizing use, control or management of real property shall be guilty of a felony, and upon conviction, imprisoned in the custody of the Department of Corrections for no less than two (2) years, nor more than five (5) years, and fined as follows:

(a) An amount equal to the value lost to the owner for any rental, mortgage or lease fees the owner could have charged during the entire time that the offender unlawfully received monies for the property; or

(b) An amount equal to the value of all monies received by the person who violated the provisions of this act.

(2) Any person who unlawfully detains or occupies or trespasses upon a residential dwelling and who intentionally damages the dwelling causing damages in an amount that exceeds One Thousand Dollars (\$1,000.00), shall be guilty of a felony, and upon conviction, imprisoned in the custody of the Department of Corrections for no less than two (2) years, nor more than five (5) years, and fined as follows:



325 (a) An amount equal to the value lost to the owner for
326 any rental, mortgage or lease fees the owner could have charged
327 during the entire time that the offender unlawfully received
328 monies for the property; and

329 (b) An amount equal to the cost of all repairs made as
330 a result of the damages caused.

331 (3) Any person, except an heir to the property, who lists or
332 otherwise advertises real property for sale knowing that the
333 purported seller has no legal title or authority to sell the
334 property, or rents or leases the property to another person
335 knowing that he or she has no lawful ownership in the property or
336 leasehold interest in the property, shall be guilty of a felony,
337 and upon conviction, imprisoned in the custody of the Department
338 of Corrections for no less than two (2) years, nor more than five
339 (5) years, and fined as follows:

340 (a) An amount equal to the value lost to the owner for
341 any rental, mortgage or lease fees the owner could have charged
342 during the entire time that the offender unlawfully received
343 monies for the property; or

344 (b) An amount equal to the value of all monies received
345 by the person who violated the provisions of this act.

346 **SECTION 7.** Section 97-17-103, Mississippi Code of 1972, is
347 amended as follows:

348 97-17-103. (1) As used in this section:



349 (a) "Perpetrator" means a person who has engaged in
350 criminal trespass and includes a person convicted of trespass
351 under applicable state law;

352 (b) "Victim" means a person who was the object of
353 another's criminal trespass and includes a person at the scene of
354 an emergency who gives reasonable assistance to another person who
355 is exposed to or has suffered grave physical harm;

356 (c) "Course of criminal conduct" includes the acts or
357 omissions of a victim in resisting criminal conduct;

358 (d) "Convicted" includes a finding of guilt, whether or
359 not the adjudication of guilt is stayed or executed, an
360 unwithdrawn judicial admission of guilt or guilty plea, a no
361 contest plea, a judgment of conviction, an adjudication as a
362 delinquent child, an admission to a juvenile delinquency petition,
363 or a disposition as an extended jurisdiction juvenile; and

364 (e) "Trespass" means an offense named in Sections
365 97-17-1 through 97-17-97, Mississippi Code of 1972, or any attempt
366 to commit any of these offenses. Trespass includes crimes in
367 other states or jurisdictions which would have been within the
368 definition set forth in this subdivision if they had been
369 committed in this state.

370 (2) A perpetrator assumes the risk of loss, injury or death
371 resulting from or arising out of a course of criminal trespass or
372 squatting, as defined in this section, engaged in by the
373 perpetrator or an accomplice, and the crime victim is immune from



and not liable for any civil damages as a result of acts or omissions of the victim.

(3) Notwithstanding other evidence which the victim may adduce relating to the perpetrator's conviction of the crime involving the parties to the civil action, a certified copy of a guilty plea, a court judgment of guilt, a court record of conviction, a writ of removal for squatter, or determination that the perpetrator was a squatter, court order adjudging the person as a squatter or an adjudication as a delinquent child is conclusive proof of the perpetrator's assumption of the risk.

(4) In a civil action that is subject to this section, the court shall award reasonable expenses, including attorney's fees and disbursements, to the prevailing party.

(5) Except to the extent needed to preserve evidence, any civil action in which the defense set forth in subsection (2) is raised shall be stayed by the court on the motion of the defendant during the pendency of any criminal action against the plaintiff based on the alleged trespass.

SECTION 8. This act shall take effect and be in force from and after July 1, 2025.

