
OLR Bill Analysis

sHB 5367

AN ACT CONCERNING THE REMOVAL OF UNAUTHORIZED PERSONS FROM RESIDENTIAL PROPERTY.

SUMMARY

This bill creates a new process by which a real property owner, or their authorized agent, may ask the municipality's law enforcement agency to immediately remove a person unlawfully occupying all or part of a residence (an "unauthorized person"), under certain circumstances. A "law enforcement agency" is an organized municipal police department or the State Police, as applicable.

Under the bill, an "unauthorized person" is someone who (1) entered or remains in a residential property without the owner's or lawful occupant's consent and (2) is not the property owner's (a) current or former tenant under a rental agreement the owner authorized or (b) immediate family member. Existing law, unchanged by the bill, allows owners (landlords) to use the summary process (eviction) to remove tenants based on certain grounds (see BACKGROUND).

The bill's new removal process is available to owners or their agents only if there is no pending litigation related to the property between the owner and any known unauthorized person, and only in situations in which the:

1. unauthorized person unlawfully entered the property, was asked by the property owner to leave, and stayed or continues to live on the property, and
2. property was not open to the public when the unauthorized person entered.

Under the bill, a property owner or authorized agent can submit a request to begin the removal process by giving the municipality's law

enforcement agency a (1) signed affidavit certifying certain information and (2) copy of the property owner's valid, government-issued identification or, for an authorized agent, documents showing his or her authority to act on the property owner's behalf. If the law enforcement agency verifies the removal request, it must serve a notice to immediately vacate on the unauthorized person and put the owner in possession. A police officer may arrest any unauthorized person found on the property for trespass, outstanding warrants, or any other legal cause, if appropriate.

The bill also creates a civil cause of action for wrongful removal.

EFFECTIVE DATE: October 1, 2026

AFFIDAVIT REQUIRED TO INITIATE REMOVAL PROCESS

Under the bill, the required affidavit must certify the date the owner obtained title to the property and that:

1. the requestor owns the property from which removal is being requested, or their authorized agent;
2. an unauthorized person unlawfully entered and remains on the property after being directed to leave;
3. the property was not open to the public when the unauthorized person entered;
4. the unauthorized person is not (a) the property owner's immediate family member, (b) the property's owner or co-owner, or (c) listed on the property title (unless due to title fraud);
5. there is no pending litigation related to the property between the owner and any unauthorized person unlawfully occupying the property; and
6. the unauthorized person subject to removal may bring a cause of action against the requestor for any false statements he or she made in the request and affidavit (and that the requestor may be liable for actual damages, penalties, costs, and reasonable

attorney fees).

NOTICE TO IMMEDIATELY VACATE

After receiving a removal request, the bill requires the law enforcement agency to verify that the person who submitted it is the property's record owner (or their authorized agent) and appears otherwise entitled to relief. If verified, the law enforcement agency must, without delay, (1) serve a notice to immediately vacate on each unauthorized person unlawfully occupying the property and (2) put the owner in possession (presumably by removing the unauthorized person).

(The bill does not specify whether the law enforcement agency must, after serving notice, remove the unauthorized person's possessions and personal effects, if any, or what happens to these items after the person's removal. Additionally, it does not specify the notice's required form or content.)

Proper Service

Under the bill, a police officer (a sworn member of the State Police or a municipal police department, as applicable) (1) may serve the notice to immediately vacate by hand to an unauthorized person or post it on the property's front door or entrance and (2) must try to verify the identity of anyone occupying the property and note this on the return of service.

Wrongful Removal

Under the bill, a person harmed by wrongful removal (1) has a civil cause of action; (2) may be restored to possession of the property; and (3) may recover actual costs and damages incurred, court costs, reasonable attorney's fees, and statutory damages equal to three times the property's fair market rent.

BACKGROUND

Summary Process

By law, once a landlord has a ground for eviction, he or she begins the process by serving the tenant with a notice to quit possession. The

landlord must serve it at least three days before a rental agreement is terminated or before the time the notice to quit specifies (in other words, the landlord must give the tenant at least three full days to move out).

If the tenant fails to respond to this notice by refusing to move from the rented premises, the landlord may start proceedings in Superior Court by filing a summons and complaint. The tenant may respond to the complaint; if he or she contests the action, the court may try the case and enter judgment. If the court rules for the landlord, it orders the judgment executed, and a state marshal removes the tenant and his or her belongings.

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 11 Nay 8 (03/10/2026)