
OLR Bill Analysis

sHB 6338

AN ACT PERMITTING REMOVAL OF AN UNAUTHORIZED INDIVIDUAL FROM REAL PROPERTY.

SUMMARY

This bill creates a new process by which a property owner or their authorized agent may have an unlawful occupant (i.e. “unauthorized person”) immediately removed from the owner’s property by a state marshal, under certain circumstances.

Under the bill, an “unauthorized person” is someone who unlawfully occupies a property and is not the property owner’s (1) current or former tenant or (2) immediate family (i.e. spouse or dependent children or relatives living in the property owner’s household). As such, the bill does not preclude owners from availing themselves of existing law’s summary process (i.e. eviction process) to remove occupants to whom the bill does not apply (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 the unlawful occupant, and only in situations in which such occupant:

1. unlawfully entered the property, was asked by the owner or the agent to leave, and stayed or continues to live on the property; and
2. cannot produce a signed rental agreement and certain other address verification documents the bill specifies.

Regarding the removal procedures, the bill:

1. prescribes the form and content of the affidavit that the owner must submit to the state marshal to request the unlawful

occupant's immediate removal, and imposes criminal penalties for false statements;

2. requires the state marshal, upon receipt of the affidavit, to verify that the person who signed it (i.e. the affiant) is the owner of record or authorized agent, and determine if conditions for relief under the bill are met; and
3. requires the state marshal, if the above is verified, to (a) serve notice to the unlawful occupant to vacate immediately and (b) put the owner in possession of the property.

The bill also (1) establishes what constitutes proper service of the notice to vacate and subjects the person served to penalties for 2nd degree trespassing and (2) creates a civil cause of action against the owner or agent for wrongful removal.

Lastly, the bill specifies that it does not limit property owners' rights, or law enforcement officers' existing authority to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

EFFECTIVE DATE: October 1, 2025

SIGNED AGREEMENT AND ADDRESS VERIFICATION

The bill subjects an unlawful occupant to the removal process if he or she cannot provide (1) a rental agreement signed by the owner or the agent and (2) documentation, correspondence, or government-issued identification cards showing that the occupant lived on the property during the 12 months immediately preceding the owner's or agent's removal request to the state marshal.

(Under the bill, it is unclear how a person lawfully occupying a dwelling unit under an oral rental agreement would provide proof of tenancy.)

AFFIDAVIT REQUIRED TO INITIATE REMOVAL PROCESS

Content and Form

To initiate the removal process, the bill requires the owner or agent

to submit an affidavit along with a copy of the owner's valid government-issued identification or documents showing the agent's authority to act on the owner's behalf. The affidavit must be in substantially the following form:

AFFIDAVIT CONCERNING THE REMOVAL OF PERSONS
UNLAWFULLY OCCUPYING A DWELLING UNIT

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

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

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

6. 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 slander of the title.

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

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

9. 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 affidavit, and that as a result of such action I may be held liable for actual damages, penalties, costs and reasonable attorney's fees.

10. I am requesting the state marshal to immediately remove the unauthorized person or persons from the property.

11. 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 AFFIDAVIT AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS AFFIDAVIT ARE MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 53A-156 OF THE GENERAL STATUTES.

Signed this day of, 20...

Witnessed by

....

(Acknowledgment)

False Statement

Under the bill, an owner or authorized agent who makes a false statement in the affidavit commits the crime of false statement, a class A misdemeanor, punishable by a fine up to \$2,000, up to 364 days in prison, or both.

NOTICE TO IMMEDIATELY VACATE

Under the bill, when the state marshal has verified that the affiant is the owner on record or authorized agent and that the bill's conditions are met, the marshal must, without delay, (1) serve a notice on the unlawful occupant to immediately vacate the property and (2) put the

record owner in possession (presumably by removing the unlawful occupant).

(The bill does not specify whether the marshal must, after serving notice, remove the unlawful occupant'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

A state marshal (1) may serve the notice to vacate by hand to an occupant or post it on the property's front door or entrance and (2) must attempt to verify each occupant's identity and note this on the return of service.

Penalty

Under the bill, a person who is served a notice to immediately vacate is subject to the penalties for 2nd degree criminal trespass, a class B misdemeanor, punishable by a fine up to \$1,000, up to six months in prison, or both.

Wrongful Removal

Under the bill, a person harmed by wrongful removal (1) has a civil cause of action against the owner or the authorized agent; (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 dwelling'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.

Related Bill

sHB 7078 (§ 1), favorably reported by the Insurance Committee, among other things, contains provisions that establish a substantially similar removal process except it (1) requires a police officer instead of a state marshal to serve the notice to vacate, (2) allows the occupant to provide rent payment documents in lieu of a signed rental agreement, and (3) does not subject the occupant to criminal penalties for trespassing.

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 12 Nay 6 (03/06/2025)