

HOUSE BILL 216

By Rudd

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

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

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

(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 commercial 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 commercial property 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 is a commercial property, including a vacant lot that is zoned for commercial use;

(3) An unauthorized person has unlawfully entered and remains or continues to occupy 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 commercial property, 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 Commercial 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 COMMERCIAL 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 commercial property.

4. ____ An unauthorized person or persons have unlawfully entered and are remaining on or occupying unlawfully 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 commercial 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 commercial property.

(2) The sheriff shall attempt to verify the identities of all persons occupying the commercial property and note the identities on the return of service. If appropriate, the sheriff may arrest any person found in the commercial property 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 commercial property 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 commercial real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the commercial property, 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) If any conflict exists between title 66, chapter 7, and this section, then this section controls.

SECTION 2. This act takes effect July 1, 2025, the public welfare requiring it.