



How do I evict a squatter using Senate Bill 55?

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QUESTION: I heard that the North Carolina legislature passed a new state law that is intended to expedite the removal of unauthorized occupants (a/k/a squatters) from residential property. Is that true? If so, can you tell me how this law is different from the laws that govern tenant evictions?

ANSWER: Yes, that is true! The North Carolina legislature recently passed Senate Bill 55, also known as [S.L. 2025-88](#), the Act to Create an Alternative Remedy for the Expedited Removal of Unauthorized Persons from Private Property by a Law Enforcement Agency. The Act became effective on December 1, 2025. The new law applies to occupants of residential property who have no legal authority to be there (*i.e.*, there is no landlord-tenant relationship between the owner and occupant).

Under the Act, an unauthorized person is defined as “A person . . . occupying residential property who has no legal claim to the property, is not entitled to occupy it under a valid rental agreement or contract for deed, has not paid any rent or other form of payment to the property owner or an authorized representative of the property owner in connection with the occupancy of the property, and is not otherwise authorized to occupy the property.” Importantly, the Act specifically differentiates an unauthorized person from a holdover tenant, stating “this term does not include a tenant who holds over after the lease term has expired under [G.S. 42-26](#).” This definition would also exclude a tenant a sufferance, such as a grandson who moves into his grandmother’s house with permission and does not have a formal landlord-tenant relationship, but a technical landlord-tenant relationship under the law.

The expeditious removal of unauthorized occupants is *not* a substitute for a summary ejectment proceeding, although the processes are similar in some respects. To commence an action for expedited removal of an unauthorized occupant, the owner or their authorized agent must first file a complaint and judicial summons with the clerk’s office in the county in which the property is located. The Administrative Office of the Courts (AOC) has developed a form complaint and judicial summons, [AOC-CVM-407](#) and [AOC-CVM-408](#) respectively, that are available for use in these kinds of actions. Once the complaint and summons are filed, the sheriff’s office must then serve the unauthorized occupant with a copy of the complaint and summons within 24 hours of receipt, per the requirements of [G.S. 14-159.52\(a\)](#). A hearing will then be scheduled before a magistrate as soon as practicable, but no more than 48 hours after the unauthorized occupant is served by the sheriff. If the magistrate finds in favor of the property owner, then the magistrate will enter an order granting the owner possession of the property. Once the order is served on the unauthorized occupant, they will have a maximum of 4 hours to vacate the premises.

Either party is entitled to appeal the magistrate's order to the district court for a new trial. If the owner is successful and the unauthorized occupant plans to appeal the order, the unauthorized occupant must post an appeal bond of no less than \$10,000.

The Act is also dissimilar from the laws governing summary ejectment proceedings because it permits an owner to place the unauthorized occupant's personal belongings on the curb almost immediately after the unauthorized occupant fails to remove all their personal property according to the timing provisions of the Act. In other words, property owners do not have to wait any additional time, outside of the 4-hour allotted window following service of the judgment, to dispose of personal property that the unauthorized occupant leaves behind. In addition, if an unauthorized occupant violates a court order granting the owner possession of the property, such violation constitutes a criminal trespass under [G.S. 14-159.13\(a\)\(1\)](#), which is a Class 3 misdemeanor.

Realizing that this is a lot of information to take in, the key takeaway is that the Act fills a large gap that previously existed in North Carolina law. Property owners now have the ability to promptly remove people from their property who were residing there without any legal authority to do so.

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