

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2025 Regular Session**

Part I: Measure Information

Bill Request #:	44	Bill #:	HB 250
Document ID #:	2902	Sponsor:	Rep. Emily Callaway
Bill Title:	AC ACT relating to property rights		

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local

Office(s) Impacted: Law Enforcement, Jails

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact
 Health Benefit Mandate State Employee Health Plan

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 250 would allow property owners to request law enforcement to immediately remove unauthorized occupants from their residential properties if the following conditions are met:

- The property includes a residential dwelling.
- One or more unauthorized persons have unlawfully entered and continue to remain.
- The property was not open to the public at the time of entry.
- The property owner has directed the unauthorized persons to leave.
- The unauthorized persons are neither current nor holdover tenants under a written or oral rental agreement.
- The unauthorized persons are not immediate family members of the property owner.
- There is no pending litigation between the property owner and any known unauthorized occupants concerning the property.

A property owner or authorized agent could submit a completed and notarized *Petition to Remove Persons Unlawfully Occupying Residential Real Property*, declaring the unlawful presence of individuals without legal standing to be there.

Once the record owner of the real property and petition is verified by a law enforcement officer, they would be required to serve a notice to vacate to the unauthorized occupants and assist the property owner in regaining possession of the property. The notice may be hand delivered to an occupant or posted to the front door or entrance of the dwelling or structure.

If appropriate, the law enforcement officer could arrest any person found in the dwelling or structure for trespass, outstanding warrants, or any other legal cause. The sheriff or constable may charge a fee of \$20 for service of the notice to immediately vacate the property. The property owner or authorized agent would not be liable for the loss, destruction, or damage to the personal property of the unlawful occupants unless the removal was wrongful. A person could bring a civil cause of action against a petitioner alleging wrongful removal. Any action for wrongful removal would be required to be filed in the District Court of the county in which the property is located. The action for wrongful removal would be commenced within 60 days after the wrongful removal.

If a person were to commit the offense of making a false statement to detain real property by knowingly presenting a false document, like a lease or deed, to another person with the intent to unlawfully occupy the property, then the person would be guilty of a Class A misdemeanor.

The fiscal impact of BR 44 on local government is indeterminable but likely negative. Local law enforcement agencies may incur additional costs associated with processing petitions, serving notices, and executing removals of unauthorized occupants. While a sheriff or constable may charge a \$20 fee for service of notice, it is unlikely this would offset these costs. Jails will also incur costs for housing those guilty of Class A misdemeanors.

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 74 full-service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$47.43 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$47.43 per day.

Data Source(s): LRC Staff, Department of Corrections

Preparer: HT **Reviewer:** AS (MDA) **Date:** 2/5/25