

PROPERTY CODE

TITLE 4. ACTIONS AND REMEDIES

CHAPTER 24B. REMOVAL OF CERTAIN UNAUTHORIZED OCCUPANTS OF REAL  
PROPERTY

Sec. 24B.001. RIGHT TO REQUEST REMOVAL OF UNAUTHORIZED OCCUPANT OF DWELLING BY SHERIFF OR CONSTABLE. Notwithstanding any other law, an owner of residential real property or the owner's agent may request that the sheriff or constable of the county in which the property is located immediately remove a person who unlawfully entered and is occupying a dwelling on the property without the owner's consent if:

(1) the property:

(A) was not open to the public when the person entered the property; and

(B) is not the subject of pending litigation between the owner and the person;

(2) the owner or the owner's agent has directed the person to leave the property and the person has not done so; and

(3) the person is not:

(A) a current or former tenant of the owner under an oral or written lease; or

(B) an immediate family member of the owner.

Added by Acts 2025, 89th Leg., R.S., Ch. 817 (S.B. [1333](#)), Sec. 3, eff. September 1, 2025.

Sec. 24B.002. COMPLAINT TO REQUEST REMOVAL OF UNAUTHORIZED OCCUPANT. (a) A property owner or the owner's agent may request the removal of a person under Section [24B.001](#) by submitting to the sheriff or constable of the county in which the property is located a complaint in substantially the following form that complies with Subsection (b):

COMPLAINT TO REMOVE PERSON OCCUPYING DWELLING

WITHOUT OWNER'S CONSENT

I, \_\_\_\_\_ (name of complainant), declare under the penalty of perjury that:

(Complete each item as applicable and initial each item.)

\_\_\_ 1. I am the owner of residential real property located at \_\_\_\_\_(property address) or the agent of the owner.

\_\_\_ 2. A person unlawfully entered and occupies a dwelling on the property without the owner's consent.

\_\_\_ 3. The property was not open to the public when the person entered the property.

\_\_\_ 4. The property is not the subject of pending litigation between the owner and the person.

\_\_\_ 5. The owner or the owner's agent has directed the person to leave the property and the person has not done so.

\_\_\_ 6. The person is not a current or former tenant of the owner under an oral or written lease and any lease produced by the person is fraudulent.

\_\_\_ 7. The person is not an owner or co-owner of the property and any title to the property that lists the person as an owner or co-owner is fraudulent.

\_\_\_ 8. The person is not an immediate family member of the owner.

\_\_\_ 9. I understand that a person removed from the property as a result of this complaint may bring an action against me for any false statement made in the complaint or for wrongfully submitting the complaint.

\_\_\_ 10. I understand that I may be held liable for actual damages, exemplary damages, court costs, and reasonable attorney's fees in an action described by Item 9.

\_\_\_ 11. I am requesting that the sheriff or constable immediately remove each person occupying the dwelling without the owner's consent.

\_\_\_ 12. A copy of my valid government-issued identification is attached and, if I am the owner's agent, a document evidencing my authority to act on the property owner's behalf is attached.

I HAVE READ EACH STATEMENT IN THIS COMPLAINT AND CONFIRM EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT A STATEMENT MADE IN THIS COMPLAINT IS MADE UNDER PENALTY OF PERJURY, PUNISHABLE

UNDER SECTION 37.02, PENAL CODE.

\_\_\_\_\_(signature of complainant)

(b) A complaint submitted under this section must be made under oath or made as an unsworn declaration under Section 132.001, Civil Practice and Remedies Code.  
Added by Acts 2025, 89th Leg., R.S., Ch. 817 (S.B. 1333), Sec. 3, eff. September 1, 2025.

Sec. 24B.003. VERIFICATION OF COMPLAINT; SERVICE OF NOTICE TO IMMEDIATELY VACATE. (a) A sheriff or constable who receives a complaint under Section 24B.002 shall verify that the complainant is:

(1) the record owner of the property that is the subject of the complaint or the owner's agent; and

(2) otherwise entitled to the relief sought in the complaint.

(b) On verifying the complaint under Subsection (a), the sheriff or constable shall without delay:

(1) serve notice to immediately vacate on the person occupying the dwelling without the owner's consent; and

(2) put the owner in possession of the dwelling.

(c) Service of notice to immediately vacate may be accomplished by:

(1) hand delivery to an occupant of the dwelling; or

(2) affixing the notice to the front door or entrance of the dwelling.

(d) A sheriff or constable serving notice to immediately vacate under this section shall attempt to verify the identity of each person occupying the dwelling and note each identity on the return of service.

(e) A sheriff or constable serving notice to immediately vacate under this section may arrest any person found in the dwelling for an outstanding warrant or for trespass or any other offense for which probable cause exists.

(f) A sheriff or constable who serves a notice to immediately vacate under this section is entitled to receive from the complainant a fee in an amount equal to the amount the sheriff or constable would receive for executing a writ of possession.

(g) After the service of notice to immediately vacate by the

sheriff or constable under Subsection (b), the property owner or owner's agent may request that the sheriff or constable remain on the property to keep the peace while the owner or owner's agent:

(1) changes any locks; and

(2) removes any personal property of an occupant from the dwelling and places the personal property at or near the property line of the owner's property.

(h) If a request described by Subsection (g) is made, the sheriff or constable may charge the person making the request a reasonable hourly rate set by the sheriff or constable for remaining on the property.

Added by Acts 2025, 89th Leg., R.S., Ch. 817 (S.B. [1333](#)), Sec. 3, eff. September 1, 2025.

Sec. 24B.004. LIABILITY. (a) A sheriff or constable is not liable to an unauthorized occupant or any other person for loss or destruction of or damage to property resulting from the removal of a person or property under this chapter.

(b) Subject to Section [24B.005](#), a property owner or the owner's agent is not liable to any person for loss or destruction of or damage to personal property resulting from the removal of the personal property from the owner's property under this chapter.

Added by Acts 2025, 89th Leg., R.S., Ch. 817 (S.B. [1333](#)), Sec. 3, eff. September 1, 2025.

Sec. 24B.005. ACTION FOR WRONGFUL REMOVAL. (a) A person who is wrongfully removed, or whose personal property is wrongfully removed, from a dwelling or other real property under this chapter may bring an action under this section to:

(1) recover possession of the real property; and

(2) recover from the person who requested the wrongful removal:

(A) actual damages;

(B) exemplary damages equal to three times the fair market rent of the dwelling;

(C) court costs; and

(D) reasonable attorney's fees.

(b) The court shall set an action brought under this section for hearing at the earliest practicable date to expedite the action.

Added by Acts 2025, 89th Leg., R.S., Ch. 817 (S.B. [1333](#)), Sec. 3, eff. September 1, 2025.

Sec. 24B.006. NONEXCLUSIVITY. This chapter does not limit:

(1) the rights of a property owner; or

(2) the authority of a law enforcement officer to arrest an unauthorized occupant of a dwelling for trespassing, vandalism, theft, or another offense.

Added by Acts 2025, 89th Leg., R.S., Ch. 817 (S.B. [1333](#)), Sec. 3, eff. September 1, 2025.