

H.B. 196

UNLAWFUL DETAINER REVISIONS

Senator **Todd Weiler** proposes the following amendments:

1. *Page 2, Lines 54 through 58:*

54 (b) "Peaceable possession" does not include:

55 (i) the occupation of premises by ~~{entry or possession without permission of an entity or~~
56 ~~person with possessory rights}~~ a trespasser ; or

57 (ii) continuing to occupy real property after being served with ~~{a notice to quit by the~~
58 ~~person or entity with possessory rights}~~ an order of restitution issued by a court of competent
jurisdiction .

2. *Page 3, Lines 62 through 63:*

62 (8) "Trespasser" means a person or entity that occupies real property but ~~{has no}~~ never had
63 possessory rights ~~{obtained from a person or entity with possessory rights}~~ in the premises .

3. *Page 3, Lines 80 through 85:*

80 ~~{(3) It shall be a defense to any forcible entry action that the plaintiff had no possessory~~
81 ~~rights given from a person or entity with existing possessory rights, that the plaintiff paid no~~
82 ~~consideration for its occupancy, or that the plaintiff acted in bad faith in obtaining possession~~
83 ~~of the real property.}~~

84 ~~{(4) A plaintiff in any forcible entry action shall be limited to actual damages if the~~
85 ~~possession was wrongful.}~~

(3) An action for unlawful detainer may also be brought in the form of a counterclaim.