

By: Representative Crawford

To: Judiciary A

HOUSE BILL NO. 1508

1 AN ACT TO PROVIDE THAT ANY PERSON WHO TRESPASSES ONTO THE  
 2 PROPERTY OF ANOTHER SHALL NOT BE CONSIDERED A TENANT AND MAY BE  
 3 REMOVED BY THE OWNER OR AN AGENT OF THE OWNER; TO AMEND SECTIONS  
 4 89-8-3, 89-8-7 AND 89-7-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
 5 THIS ACT; TO AMEND SECTION 15-1-7, MISSISSIPPI CODE OF 1972, TO  
 6 MAKE MINOR, NONSUBSTANTIVE CHANGES; TO BRING FORWARD SECTION  
 7 15-1-13, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND  
 8 FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Any person who trespasses onto property, land or  
 11 any building or dwelling thereon in violation of any provision of  
 12 state law shall not be considered a tenant for any reason and may  
 13 be removed at any time by the owner of the property or by an agent  
 14 of the owner of the property without regard for eviction  
 15 procedures and/or liability. Any items belonging to or in  
 16 possession of such person may be disposed in any manner without  
 17 any liability to the owner of the property or an agent of the  
 18 owner.

19 **SECTION 2.** Section 89-8-3, Mississippi Code of 1972, is  
 20 amended as follows:



21           89-8-3. (1) This chapter shall apply to, regulate and  
22 determine rights, obligations and remedies under any rental  
23 agreement entered into after July 1, 1991, wherever made, for a  
24 dwelling unit located within this state. Any rights, obligations,  
25 or remedies at law or in equity not prohibited by this chapter  
26 remain available to residential landlords and tenants. The  
27 provisions of this chapter shall not be construed to give rights  
28 to any person who trespasses or otherwise enters and/or remains on  
29 the property of another for any length of time without the owner's  
30 knowledge or permission.

31           (2) The following arrangements are not governed by this  
32 chapter:

33           (a) Residence at an institution, public or private, if  
34 incidental to detention or the provision of medical, geriatric,  
35 educational, counseling, religious or similar service;

36           (b) Occupancy under a contract of sale of a dwelling  
37 unit or the property of which it is a part, if the occupant is the  
38 purchaser or a person who succeeds to the purchaser's interest;

39           (c) Occupancy by a member of a fraternal or social  
40 organization in the portion of a structure operated for the  
41 benefit of the organization;

42           (d) Transient occupancy in a hotel, motel or lodgings;

43           (e) Occupancy by an owner of a condominium unit or a  
44 holder of a proprietary lease in a cooperative; or



45 (f) Occupancy under a rental agreement covering  
46 premises used by the occupant primarily for agricultural purposes  
47 or when the occupant is performing agricultural labor for the  
48 owner and the premises are rented for less than fair rental value.

49 **SECTION 3.** Section 89-8-7, Mississippi Code of 1972, is  
50 amended as follows:

51 89-8-7. (1) As used in this chapter, the following terms  
52 shall have the meaning ascribed herein unless the context requires  
53 otherwise:

54 (a) "Building and housing codes" means any law,  
55 ordinance, or governmental regulation concerning fitness for  
56 habitation, construction, maintenance, operation, occupancy or use  
57 of any premises or dwelling unit.

58 (b) "Court" means a justice court, a county court or a  
59 circuit court.

60 (c) "Dwelling unit" means a structure or the part of a  
61 structure that is used as a home, residence or sleeping place by  
62 one (1) person who maintains a household or by two (2) or more  
63 persons who maintain a common household.

64 (d) "Good faith" means honesty in fact in the conduct  
65 of the transaction concerned and observation of reasonable  
66 community standards of fair dealing.

67 (e) "Judge" means a justice court judge, a county court  
68 judge or a circuit court judge.



69           (f) "Landlord" means the owner, lessor or sublessor of  
70 the dwelling unit or the building of which it is a part, or the  
71 agent representing such owner, lessor or sublessor.

72           (g) "Organization" means a corporation, government,  
73 governmental subdivision or agency, business trust, estate, trust,  
74 partnership or association, two (2) or more persons having a joint  
75 or common interest, and any other legal or commercial entity.

76           (h) "Owner" means one or more persons, jointly or  
77 severally, in whom is vested (i) all or part of the legal title to  
78 property or (ii) all or part of the beneficial ownership and a  
79 right to present use and enjoyment of the premises, and the term  
80 includes a mortgagee in possession.

81           (i) "Premises" means a dwelling unit and the structure  
82 of which it is a part, facilities and appurtenances therein, and  
83 grounds, areas and facilities held out for the use of tenants  
84 generally or whose use is promised to the tenant.

85           (j) "Possession judgment" means a judgment granting the  
86 landlord exclusive possession of the premises pursuant to this  
87 chapter.

88           (k) "Rent" means all payments to be made to the  
89 landlord under the rental agreement, including any late fees that  
90 are required to be paid under the rental agreement by a defaulting  
91 tenant.



92 (l) "Rental agreement" means all written or oral  
93 agreements for a dwelling unit located within this state that are  
94 subject to this chapter.

95 (m) "Tenant" means a person entitled under a rental  
96 agreement to occupy a dwelling unit to the exclusion of others,  
97 and shall not include any person who trespasses or otherwise  
98 enters and/or remains on the property of another for any length of  
99 time without the owner's knowledge or permission.

100 (n) "Qualified tenant management organizations" means  
101 any organization incorporated under the Mississippi Nonprofit  
102 Corporation Act, a majority of the directors of which are tenants  
103 of the housing project to be managed under a contract authorized  
104 by this section and which is able to conform to standards set by  
105 the United States Department of Housing and Urban Development as  
106 capable of satisfactorily performing the operational and  
107 management functions delegated to it by the contract.

108 (2) For purposes of giving any notice required under this  
109 chapter, notice given to the agent of the landlord is equivalent  
110 to giving notice to the landlord. The landlord may contract with  
111 an agent to assume all the rights and duties of the landlord under  
112 this chapter; provided, however, that such a contract does not  
113 relieve the landlord of ultimate liability in regard to such  
114 rights and duties.

115 **SECTION 4.** Section 89-7-5, Mississippi Code of 1972, is  
116 amended as follows:



117           89-7-5. (1) Where there is no contract, or where the  
118 agreement is not in writing, a landlord may maintain an action to  
119 recover a reasonable satisfaction for the use and occupation of  
120 the lands held and enjoyed by another. If on the trial of such  
121 action there appear in evidence any demise or agreement the  
122 plaintiff shall not on that account be nonsuited, but may make use  
123 thereof as evidence of the amount to be recovered.

124           (2) The provisions of this chapter shall not be construed to  
125 give rights to any person who trespasses or otherwise enters  
126 and/or remains on the property of another for any length of time  
127 without the owner's knowledge, permission, agreement or contract  
128 with the owner.

129           **SECTION 5.** Section 15-1-7, Mississippi Code of 1972, is  
130 brought forward as follows:

131           15-1-7. A person may not make an entry or commence an action  
132 to recover land except within ten (10) years next after the time  
133 at which the right to make the entry or to bring the action shall  
134 have first accrued to some person through whom he or she claims,  
135 or, if the right shall not have accrued to any person through whom  
136 he or she claims, then except within ten (10) years next after the  
137 time at which the right to make the entry or bring the action  
138 shall have first accrued to the person making or bringing the  
139 same. However, if, at the time at which the right of any person  
140 to make an entry or to bring an action to recover land shall have  
141 first accrued, such person shall have been under the disability of



142 infancy or unsoundness of mind, then such person or the person  
143 claiming through him or her may, notwithstanding that the period  
144 of ten (10) years hereinbefore limited shall have expired, make an  
145 entry or bring an action to recover the land at any time within  
146 ten (10) years next after the time at which the person to whom the  
147 right shall have first accrued shall have ceased to be under  
148 either disability, or shall have died, whichever shall have first  
149 happened. However, when any person who shall be under either of  
150 the disabilities mentioned, at the time at which his or her right  
151 shall have first accrued, shall depart this life without having  
152 ceased to be under such disability, no time shall be allowed, by  
153 reason of the disability of any other person, to make an entry or  
154 to bring an action to recover the land beyond the period of ten  
155 (10) years next after the time at which such person shall have  
156 died.

157       **SECTION 6.** Section 15-1-13, Mississippi Code of 1972, is  
158 brought forward as follows:

159       15-1-13. (1) Ten (10) years' actual adverse possession by  
160 any person claiming to be the owner for that time of any land,  
161 uninterruptedly continued for ten (10) years by occupancy,  
162 descent, conveyance, or otherwise, in whatever way such occupancy  
163 may have commenced or continued, shall vest in every actual  
164 occupant or possessor of such land a full and complete title,  
165 saving to persons under the disability of minority or unsoundness  
166 of mind the right to sue within ten (10) years after the removal



167 of such disability, as provided in Section 15-1-7. However, the  
168 saving in favor of persons under disability of unsoundness of mind  
169 shall never extend longer than thirty-one (31) years.

170 (2) For claims of adverse possession not matured as of July  
171 1, 1998, the provisions of subsection (1) shall not apply to a  
172 landowner upon whose property a fence or driveway has been built  
173 who files with the chancery clerk within the ten (10) years  
174 required by this section a written notice that such fence or  
175 driveway is built without the permission of the landowner.  
176 Failure to file such notice shall not create any inference that  
177 property has been adversely possessed. The notice shall be filed  
178 in the land records by the chancery clerk and shall describe the  
179 property where said fence or driveway is constructed.

180 **SECTION 7.** This act shall take effect and be in force from  
181 and after July 1, 2024.

