

By: Representative Crawford

To: Judiciary A

HOUSE BILL NO. 790

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



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

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

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

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

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

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

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

(e) "Judge" means a justice court judge, a county court 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.



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

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

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

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

SECTION 4. Section 89-7-5, Mississippi Code of 1972, is 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 amended 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



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

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

SECTION 7. This act shall take effect and be in force from and after July 1, 2025.

