

## REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2328: Property; authorize removal of squatters, amend eviction statutes and prohibit discrimination.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

16           **SECTION 1.** Section 89-8-35, Mississippi Code of 1972, is  
17 amended as follows:

18           89-8-35. (1) Upon the filing of the sworn affidavit or  
19 complaint, a summons shall be issued for service upon the person  
20 in possession of the identified premises or claiming possession  
21 thereof. The summons shall command such person to immediately  
22 vacate the premises or to show cause before the judge, on a day to  
23 be named in the summons, why possession of the premises should not  
24 be delivered to the applicant.

25           (2) In addition to the information required by subsection  
26 (1) of this section and the applicable Mississippi Rules of Court,  
27 the summons shall state:



28 "You are being sued for eviction. At the eviction hearing,  
29 the judge will determine if the landlord is entitled to possession  
30 of your rental unit.

31 If the landlord is granted possession of the rental unit,  
32 then you will have at least seven (7) days from the date of the  
33 judgment to move out, unless a shorter or longer period of time  
34 for vacating the premises is ordered because of an emergency or  
35 other compelling circumstances.

36 If the landlord seeks possession based on nonpayment of rent,  
37 you do not have to move out if you pay all the sums owed to the  
38 landlord either before the eviction hearing or, afterwards, by the  
39 court-ordered move-out date.

40 If you move out by the date ordered by the court, leaving  
41 personal property behind, then the landlord may dispose of such  
42 abandoned property without further notice.

43 If you do not move out by the date and time ordered by the  
44 court, the landlord can have you removed by law enforcement \* \* \*.  
45 You will have no right to reside at the premises once you have  
46 been removed. The landlord must grant you reasonable access to  
47 the premises during the seventy-two (72) hours following your  
48 removal to retrieve your personal property.

49 After seventy-two (72) hours, the landlord may remove any  
50 personal property remaining on the premises to the curb, an area  
51 designated for garbage or some other location agreed to by you and  
52 the landlord. You may still retrieve your personal property, but



53 the landlord will have no obligation to preserve the personal  
54 property upon removal."

55 (3) Service of summons shall be pursuant to applicable  
56 Mississippi Rules of Court.

57 **SECTION 2.** Section 89-8-39, Mississippi Code of 1972, is  
58 amended as follows:

59 89-8-39. (1) If a judgment of possession is granted to the  
60 landlord, either after a hearing or by default judgment, then the  
61 judge shall order the tenant to vacate the premises in seven (7)  
62 days from the date of the judgment, unless the court finds that a  
63 shorter or longer period of time is justified because of an  
64 emergency or other compelling circumstances. Circumstances that  
65 justify setting the move-out date less than seven (7) days from  
66 the date of the judgment, include, but are not limited to:

67 (a) The tenant has committed a substantial violation of  
68 the rental agreement or of this chapter that materially affects  
69 health or safety; or

70 (b) The tenant poses an immediate and significant risk  
71 of damage to the premises or of harm or injury to persons on the  
72 premises.

73 Prior to the court-ordered move-out date, the tenant shall  
74 have the same access to the premises as previously allowed under  
75 the terms of the rental agreement. Unless the tenant makes the  
76 payment contemplated by subsection (4)(i) of this section, the  
77 tenant will have no right to reside in or on the premises after



78 the court-ordered move out date. If the tenant moves out by the  
79 date ordered by the court, leaving personal property behind, then  
80 the landlord may dispose of such abandoned property without  
81 further notice.

82 (2) After the court-ordered move-out date, the landlord may  
83 request a warrant for removal. Upon such request and the payment  
84 of applicable fees, the judge shall, except as otherwise  
85 prohibited under subsection (4) of this section, immediately issue  
86 a warrant to the sheriff or any constable of the county in which  
87 the premises, or some part thereof, are situated, immediately  
88 commanding the sheriff or constable to remove all persons from the  
89 premises, and to put the landlord into full possession thereof.  
90 The warrant of removal shall not be considered executed by law  
91 enforcement posting the warrant of removal on the door of the  
92 premises. Law enforcement must remove all occupants from the  
93 premises and place the landlord into physical possession of the  
94 premises.

95 (3) During the seventy-two (72) hours, after the warrant for  
96 removal has been executed, the landlord shall allow the tenant  
97 reasonable access to the premises \* \* \* to enable the tenant to  
98 remove the tenant's personal property, including any manufactured  
99 home. If the tenant moves out within seventy-two (72) hours of  
100 the execution of the warrant of removal, leaving personal property  
101 behind, then the landlord may dispose of such abandoned property  
102 without further notice. After said seventy-two (72) hours, the



103 landlord may remove any property remaining on the premises to the  
104 curb, an area designated for garbage or some other location agreed  
105 to by the tenant and the landlord.

106 (4) (a) In cases in which the possession judgment is based  
107 solely on the tenant's nonpayment of rent, the judge shall not  
108 issue a warrant for removal if:

109 (i) By the court-ordered move-out date, the tenant  
110 has paid in full all unpaid rent and other sums awarded to  
111 landlord in the judgment; or

112 (ii) After such date, the landlord has accepted  
113 payment of such amounts.

114 (b) A landlord has an obligation of good faith to  
115 accept full payment of all sums owed pursuant to the money  
116 judgment entered if so tendered on or before the court-ordered  
117 move-out date.

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

120 89-8-3. (1) This chapter shall apply to, regulate and  
121 determine rights, obligations and remedies under any rental  
122 agreement entered into after July 1, 1991, wherever made, for a  
123 dwelling unit located within this state, including the parties'  
124 rights to possession following the termination or expiration of  
125 such an agreement. Any rights, obligations, or remedies at law or  
126 in equity not prohibited by this chapter remain available to  
127 residential landlords and tenants. The provisions of this



128 chapter shall not be construed to give rights to any person who  
129 trespasses or otherwise enters and/or remains on the property of  
130 another for any length of time without the landlord's knowledge or  
131 permission.

132 (2) The following arrangements are not governed by this  
133 chapter:

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

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

140 (c) Occupancy by a member of a fraternal or social  
141 organization in the portion of a structure operated for the  
142 benefit of the organization;

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

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

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

150 **SECTION 4.** Section 89-8-31, Mississippi Code of 1972, is  
151 amended as follows:

152 89-8-31. A landlord may commence eviction proceedings \* \* \*:



153 (a) For breach of the rental agreement or for violation  
154 of this chapter pursuant to Section 89-8-13; or

155 (b) For failing to vacate after the termination or  
156 expiration of the rental agreement pursuant to Sections 89-8-17  
157 and 89-8-19.

158 **SECTION 5.** (1) The owner and/or operating agent of a  
159 recreational vehicle park may refuse to provide accommodations,  
160 service or access to the premises to any person whose conduct on  
161 the premises of the park displays intoxication, profanity,  
162 lewdness, or brawling; who fails to make payment of rent at the  
163 rental rate agreed upon and by the time agreed upon; who indulges  
164 in such language or conduct as to disturb the peace, quiet  
165 enjoyment, or comfort of other guests; who engages in illegal or  
166 disorderly conduct; or whose conduct constitutes a nuisance or  
167 safety hazard.

168 (2) The owner and/or operating agent of a recreational  
169 vehicle park may request that a person who violates subsection (1)  
170 leave the premises immediately. A person who refuses to leave the  
171 premises commits the offense of trespass, and the owner and/or  
172 operator may call a law enforcement officer to have the person and  
173 his or her property removed under the supervision of the officer.  
174 It is the duty of such law enforcement officer, upon the request  
175 of such owner and/or operator, to remove from the premises or  
176 place under arrest any person who, according to the owner and/or  
177 operator, violated subsection (1). If a warrant has been issued



178 by the proper judicial officer for the arrest of any person who  
179 violates subsection (1), the officer shall serve the warrant,  
180 arrest the person, and take the person into custody. Upon removal  
181 or arrest, with or without warrant, the person is deemed to have  
182 abandoned or given up any right to occupancy of the premises of  
183 the recreational vehicle park; and the operator of the park shall  
184 employ all reasonable and proper means to care for any personal  
185 property left on the premises by such person. If conditions do  
186 not allow for immediate removal of the person's property, he or  
187 she may arrange a reasonable time, not to exceed forty-eight (48)  
188 hours, with the owner and/or operator to come remove the property,  
189 accompanied by a law enforcement officer. If, after forty-eight  
190 (48) hours, the person has not removed his or her property, the  
191 owner and/or operator of the recreational vehicle park shall have  
192 the right to have the property removed. A law enforcement officer  
193 shall not be liable for any claim involving the removal of the  
194 person or property from the recreational vehicle park under this  
195 section.

196 (3) Such refusal of accommodations, service, or access to  
197 the premises may not be based upon race, color, national origin,  
198 sex, physical disability, or creed.

199 **SECTION 6.** This act shall take effect and be in force from  
200 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**





1 AN ACT TO AMEND SECTION 89-8-35, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY A PROVISION OF THE NOTICE PROVIDED TO TENANTS IN AN  
3 EVICTION PROCEEDING RELATED TO THE TIMEFRAME FOR THE REMOVAL OF  
4 PERSONAL PROPERTY FROM THE PREMISES; TO AMEND SECTION 89-8-39,  
5 MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN A WRIT OF REMOVAL SHALL  
6 BE CONSIDERED EXECUTED; TO AMEND SECTIONS 89-8-3 AND 89-8-31,  
7 MISSISSIPPI CODE OF 1972, TO CONFORM; TO PROVIDE THAT THE OWNER OR  
8 OPERATING AGENT OF A RECREATIONAL VEHICLE PARK MAY HAVE A PERSON  
9 REMOVED FROM THE PARK FOR CERTAIN REASONS; TO PROVIDE THE PROCESS  
10 FOR REMOVAL WHEN A PERSON REFUSES TO LEAVE; TO AUTHORIZE A LAW  
11 ENFORCEMENT OFFICER TO ARREST SUCH PERSON; TO PROVIDE THAT SUCH  
12 REFUSAL OF ACCOMMODATIONS, SERVICE OR ACCESS TO THE PREMISES MAY  
13 NOT BE BASED UPON RACE, COLOR, NATIONAL ORIGIN, SEX, PHYSICAL  
14 DISABILITY OR CREED; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)  
Wiggins

X (SIGNED)  
McCaughn

X (SIGNED)  
Parker

CONFEREES FOR THE HOUSE

X (SIGNED)  
Hood

X (SIGNED)  
Yates

X (SIGNED)  
Oliver

