

SENATOR FOR A DAY MOCK LEGISLATION

Senate Bill 5 – Protecting Property Owners from Squatters

Anxiety over squatters, fueled by TikTok, inspires a wave of legislation

Opponents of the bills call the trend a ‘manufactured crisis’ that could affect legitimate tenant protections.

<https://stateline.org/2024/04/26/anxiety-over-squatters-fueled-by-tiktok-inspires-a-wave-of-legislation/>

By: Robbie Sequeira April 26, 2024

Across various news channels and outlets, a visceral fear of some property owners — that an unwanted guest could move into their vacant home, refuse to leave, and then claim ownership — has been a trending story.

These squatter horror stories have reached a fever pitch in the past month after a migrant TikTok influencer, Venezuelan national Leonel Moreno, encouraged people to squat in homes across the United States. Moreno was arrested in Ohio in late March by federal Immigration and Customs Enforcement officers.

So far, lawmakers in at least 10 states have floated legislation this year that would address squatting by revoking tenancy rights, making it easier for police to remove squatters or making squatting a criminal offense. Several have quickly enacted new laws.

The bills, typically sponsored by Republicans but often garnering bipartisan support, come at a time of heightened housing anxiety: The shortage of housing is worse than ever, with affordability at a new low. Meanwhile, migrant encounters at the U.S.-Mexico border reached a new monthly high in December, and nearly 80% of Americans think that situation is either a “major problem” or a “crisis.”

Oklahoma state Rep. Ross Ford, whose legislation advanced days after Moreno posted his TikTok video, said he began thinking about the issue several years ago after hearing of incidences in rural areas of the state.

But Ford, a Republican, also told Stateline the recent wave of bills across the country is likely in response to Moreno’s video.

“For me, I heard complaints about squatting from property owners ... accounts of individuals scouring newspapers for death notices in search of a place to occupy,” said Ford. “But when that came out, I think it really blew this whole issue up for lawmakers in other states.”

For the most part, squatting — when someone moves into a vacant building or onto uninhabited land — is considered a civil matter, so police officers aren’t empowered to remove someone at an owner’s request. Homeowners can file eviction notices through the courts to remove an unwanted squatter, a process that can take weeks or months.

So far, Florida and West Virginia have enacted laws that classify squatting as a criminal act. Florida’s law creates a process for sheriffs to remove squatters. Georgia Republican Gov. Brian Kemp this week signed a similar bill into law.

Several other states — including Alabama, New Jersey, Ohio, Pennsylvania and South Carolina — have pending legislation. The anti-squatter fervor also has spread to Capitol Hill, where a U.S. House bill would make squatting a deportable offense.

Proponents of these bills have singled out migrants and immigrants in the country without authorization as squatters, frequently referring to Moreno's video but otherwise presenting scant data to show that it is a widespread problem.

"After video evidence of their plan to take over homes emerged, we're ensuring Floridians are protected from this egregious and brazen scheme," said Florida Republican Attorney General Ashley Moody in a news release when that state's bill became law. She criticized President Joe Biden's border policy in the same release.

In Oklahoma, Ford's bill would allow county sheriffs to immediately remove an alleged squatter from private property.

"When this happens in Oklahoma, the process to get an unwanted person off your property gets bogged down in civil courts for evictions and it may be months to get that person out of your house," said Ford. "I'm hoping we can make this process of removal quicker and cheaper for the landowner."

The Oklahoma House approved the bill earlier this month; it is now being considered in the Senate.

'Manufactured crisis'?

But Eric Dunn, director of litigation at the National Housing Law Project, which advocates for tenants' rights, called the anti-squatting bills a "manufactured crisis" that exhibits the power of the landlord lobby in U.S. statehouses.

"This TikTok video gave some landlords cause to say, 'We have a squatting crisis,' without any data or evidence, or cause for there to be legislation to address a matter that's already handled by an eviction court," Dunn said. "It's indicative of how well organized and connected landlords are in political circles, and how effective they are in getting lawmakers to act on their behalf."

Kris, a transgender woman from Florida, said in an interview with Stateline that her parents kicked her out of their home in 2022. She found a community of squatters online and has been on the road ever since. Recent news coverage has been reckless and could embolden a property owner to hurt someone, said Kris, who asked that her last name not be used out of concern for her safety.

Traveling through states — including Tennessee and Texas — on her way to the Southwest, Kris said she usually holes up in vacant buildings, never a home that appears occupied, for up to three months at a time. She doesn't feel like she's a threat.

"I'm reading stuff on some sites saying the homeowners need to protect their homes and that squatters are just violent vagrants that need to be dealt with," she said. "It creates a dangerous environment, where a majority of us who are only trying to find shelter in abandoned buildings are now enemies of paranoid homeowners."

In most states, Republicans are leading the charge on anti-squatting legislation, but in at least one state, New York, Democrats are at the forefront.

New York Democratic state Sen. Jessica Scarcella-Spanton, who represents Staten Island and southern Brooklyn, acknowledged there is little data to support claims that squatting is on the rise, or even that it happens that often.

But Scarcella-Spanton told Stateline that “once is enough” and that there needs to be a quicker way to remove squatters.

Her proposal, which made it into the state’s 2025 budget signed by Democratic Gov. Kathy Hochul, spells out clearly that squatters don’t have tenants’ legal rights related to evictions. Proponents say that will make it easier for police to remove squatters from properties.

“Some people will make the argument that this is a very rare occurrence. But I think if it happens once or twice, it’s unacceptable,” Scarcella-Spanton said. “It’s always good to have data when we’re trying to push legislation, but most importantly, I think that just seeing the cases that we’ve seen over the last couple of months in the news is reason enough to move forward with legislation.”

Some landlords and property owners in blue states are hoping their lawmakers join the anti-squatting movement.

In California, Cynthia Chidester’s run-in with a squatter at her 95-year-old mother’s home led to a prolonged legal battle that required a domestic violence order to get the squatter evicted in April.

In an interview, Chidester said she wants lawmakers to take the issue more seriously, including passing laws to expedite the eviction process for squatters or unwelcome guests.

Alexandra Alvarado, director of education and marketing at the American Apartment Owners Association, an industry group, told Stateline that squatting has been a “nightmare situation” for landlords and property owners since the pandemic, when many offices emptied and vacation rentals sat vacant.

The removal process needs to be “more efficient,” with housing courts backlogged since the pandemic, she said.

“In our industry, squatting has always been an issue. I think what’s changed is the media’s attention to it,” said Alvarado. “We think there’s been a rise in squatting. It’s difficult to show because we don’t have the numbers, and a lot of these cases aren’t handled much differently than a standard eviction case.”

Eviction protections

But Dunn, of the National Housing Law Project, worries the recent bills could lead to a rollback of eviction protections. Landlords spanning 10 states and 34 cities filed nearly 1.1 million eviction cases in 2023, a year-to-year increase of more than 100,000, and 500,000 more than in 2021, according to Eviction Lab, a Princeton University research group that tracks evictions.

It’s a way for legislators to say, ‘Look, I’m doing something to protect your property,’ instead of any substantive housing policy.

– Marc Roark, University of Tulsa law professor

“It’s not like tenants have great protections in a majority of states as it is,” Dunn said. “It behooves tenants to organize and pay attention to state and local governments when bills like these are proposed, and push back, or they’ll see their rights eroded by a thousand cuts.”

Marc Roark, a law professor at the University of Tulsa who studies squatters and homelessness, described the anti-squatter bills as “low-hanging fruit for political points. It’s a way for legislators to say, ‘Look, I’m doing something to protect your property,’ instead of any substantive housing policy.”

Roark and other housing experts have found that squatters rarely gain ownership of a property. In most states, the period of occupancy required to claim ownership ranges from five to 20 years.

However, Amy Starecheski, a cultural anthropologist at Columbia University who has documented the stories of squatters in New York City, noted that some who take shelter in derelict and abandoned buildings eventually do end up owning them.

“So many people are in need of basic shelter and there are people who are squatting intentionally to challenge private property as a legal and cultural institution,” Starecheski said.

“This might be a moment when people freaking out about squatting are actually freaking out about access to housing, and who gets to own a home and who doesn’t get to own a home.”

Editor’s note: This story has been corrected to restore dropped language in Eric Dunn’s quote beginning “It behooves tenants ...”

Vague laws make squatter eviction harder in Pennsylvania

https://www.thecentersquare.com/pennsylvania/article_074333fa-fe5c-11ee-bce2-07da14d57c88.html

By: Lauren Jessop April 19, 2024

(The Center Square) – However contradictory the term “squatter’s rights” may sound, it is a growing concern that’s prompted lawmakers to seek additional protections for Pennsylvania homeowners.

While squatters are technically trespassers, not all trespassers are squatters. The conflation of terms and lack of specific laws to address the latest form of squatting has led to challenges for both law enforcement and homeowners.

State Reps. Martina White, R-Philadelphia, and Donna Scheuren, R-Gilbertsville, have proposed bills to establish a clear legal framework for evicting squatters from residential properties.

Every state has Squatters Rights laws that apply to people living in abandoned or unoccupied property without permission and requiring open residency for many years to establish rights.

However, the current squatting trend – widespread in some areas – involves individuals unlawfully staying in a home regardless of occupancy status. Homeowners may struggle for months, or even years, to remove trespassers, resulting in lost rental income and bearing the financial burdens of taxes, mortgages, utilities and legal fees.

White began addressing the issue in 2019 and told The Center Square via email, that the process of improving a bill can take years. For instance, she learned it may be more effective for Sheriff’s offices to enforce the law, given their familiarity with the eviction process.

The language of the bill, she said, is being refined before being formally reintroduced, “because it is better to get it right than to have something signed into law that proves to be ineffective in practice.”

Her memo seeking cosponsors states that law enforcement would be authorized to remove trespassers upon probable cause, based on a signed affidavit from the homeowner, after a reasonable opportunity for the accused to prove legal occupancy. Property owners or alleged squatters making false statements could be held criminally and civilly liable.

Scheuren’s bill, while similar, includes increasing the penalty to a felony for squatters causing \$1,000 or more in property damage, and allows home and landowners to seek treble damages and attorneys’ fees through civil action.

Additionally, it would require law enforcement to inform Immigration and Customs Enforcement if the squatter is an undocumented immigrant and to comply with any detainer lodged against them.

During a recent press conference, Scheuren reported receiving calls from constituents across her district concerned about the threat squatters pose.

She also pointed to a recent surge in high-profile squatting incidents. While most take place in cities, Scheuren warned that suburbs and rural areas are “quickly becoming more tempting for squatters.”

“A person’s home is their number one asset,” she said, noting that Pennsylvania is home to farms with multiple outbuildings, vacation properties, and hunting cabins in which squatters could “set themselves up and refuse to leave.”

National Rental Home Council CEO David Howard told The Center Square this is, first and foremost, a property rights issue – but it’s also a public safety and affordable housing issue. The council also prefers to use the terms trespassing or illegal occupation over squatting.

The council helped draft Georgia’s recently passed Squatter Reform Act and backed a similar bill in Florida. Howard believes the mere existence of these bills, and those being crafted in other states, will serve as a deterrent to potential trespassers.

Council members have reported trespassers participating in illegal activity such as drugs or prostitution – a concern for the homeowner, but also a public safety issue for neighbors.

Also, because rental housing typically offers a less expensive alternative to buying a home, every unlawfully occupied residence means one less available for a legitimate rental family.

Squatting has always been an issue to some degree, but during the summer of 2023, the council began hearing more from their members, particularly in Atlanta. An informal member survey in several areas revealed there were 1,200 illegally occupied member-owned homes in the Atlanta area, 475 in Dallas-Fort Worth, and 125 in Orlando.

A homeowner’s troubles do not end when squatters are removed. Oftentimes, Howard said, they are left to deal with stolen appliances, repairing sledgehammered or graffitied walls, or cleaning up feces left on the floor.

“It’s time for our laws to focus on protecting legal homeowners instead of criminal squatters, and my legislation does just that,” said Scheuren. “The time to take action is now, or we will be dealing with the consequences of our inaction very soon.”

Similar legislation is planned in the Senate.