



Summary: *This policy prohibits trespassing individuals from taking up residence in properties they do not own, which is colloquially known as “squatting.” It also protects property rights, provides homeowners remedies against squatting, and increases penalties on squatters.*

Stop Squatters Act

Section 1. Limited Alternative Remedy to Remove Unauthorized Persons from Residential and Commercial Real Properties

(a) The Legislature finds that the right to exclude others from entering, and the right to direct others to immediately vacate, residential and commercial real property are fundamental property rights.

(b) A property owner or their authorized agent may request from the sheriff of the county or the chief of city police, as applicable, the immediate removal of any person or persons unlawfully occupying a residential dwelling or commercial building if the following conditions are met:

1. The requesting person is the property owner or authorized agent.
2. The real property includes a residential dwelling or commercial building.
3. An unauthorized person or persons are unlawfully occupying the property.
4. The property was not open to the public at the time of entry.
5. The property owner has directed the unauthorized person(s) to leave.
6. The unauthorized person(s) are not current or former tenants.
7. The unauthorized person(s) are not immediate family members of the property owner.
8. No pending litigation exists between the property owner and the unauthorized person(s).

(c) To request the immediate removal as per section (b) above, the property owner or authorized agent must submit a completed and verified Complaint to Remove Persons Unlawfully Occupying Real Property (“Complaint”) to the sheriff or police chief, as applicable.

(d) Upon receipt of the Complaint, the law enforcement agency that receives the Complaint shall conduct preliminary fact-finding, which may include reviewing any alleged lease agreement, talking to neighbors, and other relevant inquiries to ascertain the validity of the complaint. If the preliminary fact-finding indicates probable cause that the above conditions outlined in section (c) are met, then the law enforcement agency shall serve a notice to immediately vacate upon the unlawful occupants and put the owner in possession of the real property.



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(e) The law enforcement agency is entitled to a fee for service. Upon serving the notice, the property owner may request the law enforcement agency to stand by to keep the peace while changing locks and removing personal property of the unlawful occupants.

(f) The property owner who submits a Complaint, pursuant to section (c) above, that turns out to be false shall indemnify the law enforcement agency and its agents for any damages awarded against the law enforcement agency or its agents for their good faith conduct that was based on the Complaint.

(g) A civil cause of action for wrongful removal is allowed, with remedies including restoration of possession, actual costs, damages, and attorney fees.

(h) This section does not limit other property owner rights or law enforcement authority.

Section 2. Criminal Mischief; Penalties

A person who unlawfully occupies a residential dwelling or commercial building consistent with this section and intentionally damages either of them causing less than \$1,000 in damages commits a misdemeanor of the ___ degree.

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Section 3. Making False Statement to Detain Real Property

Any person who knowingly presents a false document purporting to convey real property rights commits a misdemeanor of the ___ degree.

Section 4. Fraudulent Sale or Lease of Residential Real Property

Knowingly listing or advertising residential real property or a commercial building for sale or renting without legal title or authority constitutes a felony of the ___ degree.