

Research Summary

State Legislation to Address Unlawful Occupancy of Real Property

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BACKGROUND

“Occupancy” encompasses residing in a premise or property and can refer to those authorized by the property owner through tenancy or other legal or verbal agreement or not. “Squatting” refers to the act of occupying a property with no legal claim to the property; and the term “squatter” refers to a person who lives on a property to which they have no title, right or lease. Squatting most often occurs in vacant units or abandoned property. State policymakers are exploring strategies to create avenues for the expedited removal of unlawful occupants from residential properties or increase penalties for criminal trespassing on residential property.

Note: Though long-term squatting could result in eventual adverse possession of a property, situations of short-term squatting have been conflated with adverse possession in the media. Acquiring ownership of a property through adverse possession takes between five and 30 years, depending on the state, among several other legal requirements.

ENACTED LEGISLATION

Alabama ([HB 182, 2024](#)) created a method for the owner of a dwelling to request the removal of an unauthorized individual and require a law enforcement officer to remove the individual from the dwelling.

Florida ([HB 621, 2024](#)) provides homeowners remedies against squatting and increases penalties on squatters. Property owners are permitted to request law enforcement immediately remove a person from their property if three conditions are met: 1) the individual has unlawfully entered and remains on the property; 2) the individual has been directed to leave the property by the owner but has not done so; and 3) the individual is not a current or former tenant in a legal dispute.

Georgia ([HB 1017, 2024](#)) mandates that a person commits the offense of unlawful squatting when they enter upon the land or premises of another and resides on such land or premises for any period of time knowingly acting without the knowledge or consent of the owner, rightful occupant, or an authorized representative of the owner.

Indiana ([SB 157, 2025](#)) defines “squatter” as an individual who occupies the property of another and who does not have and has never had a rental agreement, permission of the owner, or another legal interest in the property. Property owners are permitted to execute an affidavit stating that a squatter is occupying the persons property and require a law enforcement agency to dispatch one or more officers to remove the squatter within a specified period. Law enforcement is provided certain immunities from civil liability.

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Louisiana ([SB 466, 2024](#)) relates to criminal trespass, provides that occupants who fail to obey an order to vacate within five days commit criminal trespass, provides that a squatter commits criminal trespass if he fails to vacate after being directed to do so by a lawful possessor, provides for injunctive relief.

North Carolina ([SB 445, 2024](#)) provides law enforcement and courts additional resources to confront and process unlawful tenants.

West Virginia ([HB 4940, 2024](#)) specifies that squatting is a wrongful occupation of property and squatters are not considered tenants. The legislation also specifies that a squatter should be arrested for trespassing and a court eviction is not required.

PENDING LEGISLATION

Missouri ([SB 168, 2025](#)) would establish procedures and guidelines allowing a verified petition for removal of an unlawful occupant from a property if the court is unavailable after business hours or on holidays or weekends.

New York ([SB 2366, 2025](#)) would exclude squatters from tenant protections and extend the time period for tenancy rights from 30 days to 60 days of possession. Squatting would be considered criminal trespass in the third degree.

Oregon ([HB 3522, 2025](#)) would allow an owner to evict a squatter after giving the person 24 hours' written notice of the termination of the occupancy. The notice must specify the date and time by which the person must vacate and state that the cause of the termination is the person's status as a squatter. The notice does not create a right of occupancy or tenancy for the squatter.

Rhode Island ([HB 5919](#) / [SB 817](#), 2025) would define a squatter as a person occupying a dwelling unit who is not a party to a rental agreement, not a periodic tenant or is not authorized by the property owner, landlord or tenant to occupy the dwelling unit or structure. A person found guilty of squatting would be guilty of a misdemeanor and punished by a fine not exceeding \$1,000 or imprisonment for a term not exceeding one year, or both.

South Carolina ([HB 3387, 2025](#)) would permit a property owner to request the immediate removal of a person unlawfully occupying a residential dwelling and to provide for a complaint form. The bill would also establish penalties for a person who unlawfully detains or occupies residential property.

FAILED LEGISLATION

Connecticut ([HB 6162, 2025](#)) would establish an expedited process for the eviction of persons unlawfully occupying premises with no legal right to do so.

Illinois ([SB 3658, 2024](#)) would amend the Landlord and Tenant Act to specify that a person has no legal standing to occupy any real property, residence, or structure where they have no written property interest under a written lease or rental agreement with the owner of the property listed in county tax records.

Michigan ([SB 909](#) / [HB 5634](#) / [HB 5730](#), 2024) each would establish alternate procedures to evict unlawful residents and permit property owners to submit to the county sheriff a completed and verified complaint requesting the immediate removal of an unlawful occupant of a residential dwelling.

Mississippi ([HB 1508, 2024](#)) would specify that any person who trespasses onto another person's property is not considered a tenant and may be removed by the owner or an agent of the owner.

Nevada ([SB 236, 2025](#)) would define the terms "squatter" and "tenant" for certain purposes relating to summary proceedings for obtaining possession of real property, a recreational vehicle or a mobile home. Would reduce the period for seeking reentry of a dwelling and the return of personal property contained therein under certain circumstances. Would also revise provisions governing the crime of unlawful occupancy and establish penalties.

New Jersey ([A 731 / S 725, 2024](#)) would criminalize unlawful occupancy of dwellings and clarify that individuals guilty of this crime can be removed from the property with an eviction procedure.

New Mexico ([SB 359, 2025](#)) would allow property owners to request from the sheriff of a county for the immediate removal of a person or persons unlawfully occupying real property owned by that property owner.

New York ([A 9897 / S 8995, 2024](#)) would exclude squatters from tenant protections and extend the time period for tenancy rights days of possession. Would also add squatting to the definition of criminal trespass in the third degree, clarifies lease provisions.

North Carolina ([HB 984, 2024](#)) would create an alternative remedy for the expedited removal of unauthorized persons on private property by a law enforcement agency and provides for law enforcement immunity.

Ohio ([HB 478 / HB 480, 2024](#)) would create an expedited way to remove squatters from an owner's property and creates a criminal offense for squatters who damage property.

Oklahoma ([SB 456, 2023](#)) would repeal the ability to claim any portion of a landowner's property by adverse possession or "squatting."