

**To the Mayor and Members of the City Council****June 4, 2024**

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**SUBJECT: SQUATTING LAWS IN TEXAS**

The purpose of this informal report is to provide a brief summary of squatting and how the issue may be addressed under Texas law.

Although squatting, or occupying property without the owner's permission, is far from a recent phenomenon, egregious examples have recently garnered widespread media attention. Unlawful squatting burdens property owners with the time and expense of removing squatters from their property.

Squatting is deeply rooted in American history, intensifying with the nineteenth century settlement of the west and the California gold rush. In recent times, however, squatting has largely moved from the sparsely populated frontier to the "unsettled wilderness" of inner cities.

There may be some difficulty in precisely defining "squatting" or a "squatter", but Black's Law Dictionary defines a squatter as "a person who settles on property without any legal claim or title." Most commonly, squatters seek to shelter in unoccupied houses without an "honest" claim to the property's title. Much has been written nationwide on so-called "squatters' rights" and resources and "how-to" guides are widely available online for would-be squatters.

In Texas, however, there are no short-term squatters' rights and squatting typically includes illegal conduct, such as criminal trespass, criminal mischief, and burglary. While a squatter may claim a right to the property through adverse possession, it is unlikely that a squatter would meet the requirements to obtain title through adverse possession, including actual, exclusive, and hostile possession of the property throughout the statutory period, typically ten years.

Additionally, holdover tenants (those who continue to occupy leased premises after the expiration or termination of their lease) are often considered squatters, although those holdover tenants are tenants at-will or tenants at sufferance, depending on the landlord's and tenant's conduct, and must be evicted through the standard, statutory eviction process.

It is also important to note that some squatters may be the victims of fraud, falsely believing that they have the right to occupy the property. The Police Department has been made aware of several criminal enterprises that trade in fraudulent information and contracts, including through the use of online apps.

Several states, most notably Florida and Georgia, have recently enacted significant legal forms to better protect residential property owners from the threat of squatting. Senator Bettencourt and other state senators have called for the consideration of additional legislation at the upcoming 89<sup>th</sup> Legislative Session. The City may consider supporting that legislation through the State Legislative Agenda.

A model statute may include the following language:

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Criminal Offense of Squatting in a Residential Building

(1) A person commits an offense under this statute if:

(a) the person is in a residential building without the consent or permission of the owner and the person enters the building as a trespasser;

(b) the person knows, or ought to know, that he or she is a trespasser; and

(c) the person is living or intends to live in the building for any period of time.

Although current Texas law does not adequately address all instances of squatting, property owners should take steps to protect their unoccupied property, including by:

- Adequately securing the property, locking doors and windows, and posting "No Trespassing" signs;
- Regularly checking the property for signs of attempted or actual entry or occupancy;
- Making the property appear to be inhabited and utilizing interior and exterior lights with timers or motion sensors; and
- Asking neighbors to watch the property and provide alerts of any suspicious activity.

Residents who suspect that their property has been occupied by squatters are encouraged to contact the Police Department.

For any questions, concerns or comments, please contact Matt Murray, Senior Assistant City Attorney at 817-392-8864 or [Matthew.Murray@fortworthtexas.gov](mailto:Matthew.Murray@fortworthtexas.gov).

**David Cooke**  
**City Manager**