

COME AND TAKE IT BACK: GETTING TOUGH ON SQUATTERS IN TEXAS

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KEY POINTS

- Squatting involves commandeering other people's property for one's personal gain on either a short-term or long-term basis.
- The process of removing a squatter can take months, thereby depriving the rightful property owner of a home or residence until the matter is settled.
- New state laws are needed to statutorily define squatting, increase criminal penalties, and expedite the eviction process.
- Absent state laws that properly define squatting, establish criminal penalties, and empower property owners with a streamlined eviction process, squatting will remain an issue.

EXECUTIVE SUMMARY

The purpose of this research is to examine the current landscape surrounding "squatting," which refers to a person or group of people seeking to take over a property without the rightful owner's knowledge or consent. Under current state law, squatting disputes are currently resolved through tenant/landlord civil court proceedings. These proceedings can be lengthy, expensive, and could deprive the rightful owner or occupant of the property for some extended period of time. To remedy Texas' policy problems, the Lone Star State should draw from the experience of Florida and Georgia, which have recently enacted new state laws that make squatting a criminal offense and create expedited processes for removing those deemed squatters from private property. Even New York made changes to their laws to make a clearer distinction between a squatter and a tenant. To protect the property rights and public safety of Texans, the 89th Texas Legislature should statutorily define squatting in the Texas Property Code, enhance criminal penalties related to the activity, and create an expedited process to resolve disputes.

INTRODUCTION

Squatting undermines the concept of private property ownership. Eric Dunn, director of litigation at the National Housing Law Project, states that squatting occurs when "somebody goes into a property with no legal right to it whatsoever" ([Javaid & Paul, 2024, para. 4](#)). Legally, it is a form of trespassing, "but it also involves the intent to claim ownership or permanent residency" ([Javaid & Paul, 2024, para. 5](#)).

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Because there is currently no legal distinction between tenants and squatters in Texas, removing a squatter can be lengthy and expensive for property owners. The only method currently available to Texas property owners to remove a squatter requires a property owner to go through the eviction process under the Texas Property Code ([Tex. Property Code, Title 4, Chapter 24](#)). To protect private property rights and promote public safety, the 89th Texas Legislature should enact legislation to make squatting a criminal offense while also streamlining the process of removal of people proven to have no legal right to the property.

Squatting has gained national attention recently due to several high-profile examples of how current law adversely affects property owners. One of the more infamous instances occurred in March of 2024 when Adele Andaloro was arrested for trying to take her Queens home back from squatters ([Tatananni, 2024](#)). Police were called on Andaloro by the squatters who had occupied the home she inherited from family when she attempted to have the locks changed ([Tatananni, 2024](#)). Because the issue was considered a tenant/landlord dispute under New York law, it was illegal for her to change the locks without first going through the eviction process. She was arrested on the spot ([Tatananni, 2024](#)).

In another example that lies at the intersection of private property and immigration, an illegal immigrant from Venezuela garnered his own infamy after going viral online. Leonel Moreno used TikTok to call for others who have illegally crossed the border to exploit tenants' rights loopholes by seizing unoccupied homes ([Gallion, 2024](#)). This case shines a light

upon the reality of organized activity aimed at seizing property. Whatever may be the case, one thing is clear: current Texas law is insufficient for addressing the gravity of this crime.

The Process to Remove Texas Squatters

Because there are no statutory definitions of what a squatter is, a rightful property owner must follow the same procedure they would use to evict a tenant for "failing to pay rent, holding over after the lease expires, or violating the lease" ([Innago, 2023](#)), as established by Chapter 24 of the Texas Property Code:

1. The owner must send a formal eviction notice, as per Texas eviction laws. In Texas, the default notice is a three-day notice to quit, but landlords can enforce a shorter or longer notice period if it is specified in the lease agreement.
2. After the notice period has expired, the owner must file a complaint of forcible detainer with the Texas Justice of the Peace Court. Filing for immediate possession may expedite the eviction process.
3. The court will issue a summons or "citation" which must be served to the squatter by the sheriff or constable.
4. The owner must attend a hearing to present evidence of lawful ownership of the property to the judge.
5. Upon confirming ownership, the judge will issue a writ of possession after five days have passed since the judgment. The writ gives the squatter final notice to leave.

If the squatter does not move out within 24 hours after the writ is served, the sheriff will return to forcibly remove the squatter and restore legal possession to the owner ([Innago, 2024](#)).

This outline illustrates the difficult process that property owners must navigate to evict an unwanted

tenant. The current eviction process, which could take on average 30-35 days, but could easily take months, falls short in many ways when it comes to addressing the problem of squatters, who—thanks to the lack of clear, definitive legislation—are arguably in a class of their own.

Examples of Squatting in Texas

Of late, the media has reported numerous squatting incidents across the Lone Star State, everywhere from the Metroplex, to the Bayou City, to the Panhandle, and beyond. Although the details of these incidents often vary, certain themes appear common to the system as a whole, such as the lack of proper distinctions between squatters and legitimate residents, the lack of clear enforcement mechanisms, and its monetary and psychological costs on the property owner.

Ambiguity & Murkiness

Bexar County: In April 2024, *NEWS4SA* featured a couple, Abram Mendez and his wife, who purchased a fixer-upper and struck a deal with a local contractor to help repair the house. According to the article, “They say it started as a deal. They needed tile work done on a few floors, and an acquaintance said he could do it, but needed a place to stay for a few days. Abram showed [*NEWS4SA*] a handwritten contract where the man agreed to do the work and then leave the home. But now, the work is still unfinished, the front room is torn apart and barricaded, and that worker is refusing to leave” ([Elder, 2024, para. 5](#)). Early attempts to get law enforcement involved were unsuccessful due to some viewing it as a civil matter.

Harris County: In August 2023, *ABC7* reported an incident covered by its sister station, *ABC13*, in which squatters broke into Jim Johnson and his wife’s rental home and proceeded to rip down the leasing company’s sign. The squatters called a locksmith to change the locks in order to deny entry to the rightful owners. The owners are trying to navigate the current process, but it is turning into a lengthy ordeal. “The ownership company says it has filed eviction papers, but *ABC13*’s experience covering these squatter stories shows

sometimes, it can take six months to a year for the eviction process to work through the court system,” the article reports ([Shay, 2023a, para. 9](#)).

The City of Rowlett: In September 2023, *CBS News Texas* spotlighted the plight of a couple, Jessica and Colin Davis, who purchased a four-bedroom home with a pool in the city of Rowlett. Due to a job transfer, the Davises turned the home into a rental property and unknowingly rented the property to serial squatters who knew how to exploit the law. The story reads, “At the time, several homeowners said the couple was exploiting the eviction process to live rent-free. One attorney had dubbed them ‘serial squatters,’ saying [Heather and William Schwab] knew more about eviction laws than many lawyers” ([Lucia & Mittauer, 2023, para. 5](#)). The Davises then found themselves in a protracted dispute.

The City of Houston: In June 2023, *ABC13* reported on “realtor Shanequa Garrett, who couldn’t go inside a house she was authorized to sell because Amberlyn Prather and her family were living inside” ([Shay, 2023b, para. 2](#)). It took Garrett a full year to finally evict the trespassers, resulting in the loss of significant time and money. Even after a court ruled in Garrett’s favor, it still “took weeks to remove the squatters” ([Shay, 2023b, para. 7](#)).

The City of Mesquite: In March 2024, the *New York Post* recounted the shocking tale of Terri Boyette, a Texas woman who had temporarily relocated to Florida to care for her ailing mother. Her house was plagued by squatters who turned her home “into a ‘drug den’ and sold her possessions at a yard sale—but police told her they couldn’t do anything about it” ([Taer, 2024, para. 1](#)). After six months of legal wrangling, Boyette was able to get her home back but much of her belongings are gone or damaged beyond repair. “All my stuff has been sold through the yard sale and online... Apparently he was letting people rent from him,” she recounts ([Taer, 2024, para. 5](#)).

A recent survey conducted by the National Rental Home Council (NRHC) observed that “there were an estimated 475 homes that had been occupied by squatters in the Dallas-Fort Worth, Texas, area.”

Invitation to Other Harms

Harris County: In April 2024, FOX26 showcased Jennifer Hebert's deceased mother's home, which had been occupied by squatters for several months. Due to the lack of appropriate legal recourse for property owners dealing with squatters, other issues began to emerge. According to Harris County Constable Jerry Garcia, “Residents were saying it [sic] was drug use there, and there was gunfire from there, and people going in and out of there at night” ([Desselle, 2024, para. 5](#)).

City of Colleyville: In January 2024, NBCDFW wrote about a neighborhood in Colleyville that was struggling with squatters. The incident is noteworthy as the squatters were said to be not only trespassing but also engaging in other criminal activity. “The adult, whose name has not been released, was arrested and charged with felony credit card or debit card abuse. Police said that stemmed from other crimes in the area, including a stolen car and multiple vehicle burglaries,” reads the article ([Rahman, 2024, paras. 4-5](#)).

City of Groves: In February 2024, 12News reported on a Southeast Texas realtor who avoided a potentially dangerous confrontation with a squatter who had temporarily taken up residence at a property she was trying to sell. According to the realtor the house was full of broken glass, beer bottles, and clothes that had recently been washed were hanging, still dripping in the garage; evidence that they had only been moments away from a potentially dangerous confrontation ([Gaspard & Orr, 2024, para. 9](#)). Fortu-

nately, the two parties never crossed paths and law enforcement was eventually involved.

City of Lubbock: In March 2023, *EverythingLubbock.com* called attention to “5 house fires that have happened around Lubbock in just two months that showed signs of squatters” ([Soto, 2023, para. 1](#)). The fires were likely started by the trespassers in an attempt to keep warm, according to Lubbock Fire Rescue’s Captain Phillip Gordon. Further mishaps are possible in the future, as “there are about 160 homes that are vacant and on the city’s radar” ([Soto, 2023, para. 4](#)).

Steep Price Tag

City of Houston: In September 2023, ABC 13 highlighted the story of Mikiya Barber, a member of the U.S. Army Reserve who was called up for active duty in Florida, prompting her to put her modest town-home up for rent. Barber soon found a tenant, Natasha Timmons, and upon due diligence, the two parties signed a contract. Shortly thereafter, Timmons allegedly stopped paying rent and refused to leave, resulting in a protracted legal dispute. According to the first lieutenant, “One person has cost me over \$50,000” ([Shay, 2023c, para. 2](#)).

The City of San Antonio: In April 2024, *Realtor.com* showcased the ordeal experienced by Daniel Cabrera, a longtime house-flipper in the San Antonio area. Cabrera purchased a home from a distressed homeowner who was facing foreclosure; however, after the deal was done, the owner, along with his pet goat refused to leave, prompting a five-month-long ordeal that cost Cabrera much time and money. “All told, Cabrera spent \$7,500 on legal bills to remove this home’s former owner. He spent an additional \$50,000 and two months cleaning up and rehabbing the house,” according to the article ([Blakeley, 2024, para. 47](#)).

Meyerland Area: In March 2023, ABC13 reported on a group of squatters who had broken into Linda Giang and her husband’s rental home. Before the Giangs understood what had happened, the squat-

Cities Where the Most Homes Have Been Taken Over by Squatters



Source. National Rental Home Council

ters changed the locks and created a fake contract that was used to deceive the Houston police and the Precinct 5 deputy constable's office. The news outlet reports, "The contract does not list [Linda] Giang nor her husband as landlords. Rather, it lists a third person who has no relation to the ownership of the home... In addition, ABC13 has viewed security video showing locksmiths coming to change the locks on the house last Sunday, again, without authorization by Giang or her husband, whose names are listed in real estate records as the rightful owners of the house" ([Shay, 2023d, paras. 6, 10](#)).

Of course, this is not a comprehensive list of all squatter-related incidents in Texas over the last few years. There are far more instances of this activity, with a large number seemingly centered in the Metroplex area. A recent survey conducted by the National Rental Home Council (NRHC) observed that "there were an estimated 475 homes that had been occupied by squatters in the Dallas-Fort Worth, Texas, area" ([Rahman, 2024, para. 5](#)). By comparison, NRHC survey participants also reported 1,200 run-ins with squatters in Atlanta, Georgia, and 125 encounters in Orange County, Florida. These three areas nationwide

reportedly experienced the greatest difficulty with squatters, according to the NRHC.

Legislative Remedies in Other Large States

In response to the growing nationwide issue of squatting, legislatures in certain states are beginning to enact policy reform to stiffen penalties and prevent future problems from emerging. A few examples of states that have taken recent action include New York, Georgia, and Florida.

The State of New York (S8996; A9772)

As part of the State of New York's fiscal year 2025 budget, policymakers included language "to reinforce existing law to make clear that squatters are not tenants, and thus are not entitled to these and other tenant protections" ([Governor Kathy Hochul, 2024](#)). The genesis for this change originated from introduced legislation, that offered a new definition of squatters for the state's housing law ([S8996, 2023; A9772, 2023](#)). As a result of the change made in the state's budget,

The definition updates New York State real property law to read that "a tenant shall not include

a squatter," and further define squatter as "a person who enters or intrudes upon real property without the permission of the person entitled to possession, and continues to occupy the property without title, right or permission of the owner or owner's agent or a person entitled to possession." ([Liu, 2024, para. 2](#))

As a result, the law has been changed to better distinguish between squatters and tenants, as well as deny the former the rights and protections typically afforded to the latter.

The State of Georgia ([House Bill 1017](#))

During the 2023-2024 Regular Session of the Georgia Legislature, legislators considered and unanimously approved House Bill 1017 ([2024](#)), otherwise known as the Georgia Squatter Reform Act (GSRA). On April 24, 2024, Georgia Governor Brian Kemp signed the measure into law, making it effective immediately. The GSRA's sponsors explained that the measure was introduced to "fix antiquated laws protecting squatters. Without the bill, it is difficult for homeowners to eject people who enter vacant properties, change the locks, and claim ownership or tenancy" ([MuniReg, 2024](#)). Expanding further, the Atlanta Realtors Association said,

[The squatters] are illegally taking over properties, destroying them, causing havoc, and increasing crime in our neighborhoods... These properties held up by squatters could be put out for rent or put up for sale in our critical housing shortage, but owners cannot get their own properties back... In many counties, the Superior Court is so backed up with eviction cases that they can't even take on squatting issues, meaning the squatters can drag out the process for months. ([DeFeo, 2024, paras. 9-10](#))

To remedy these issues, the GSRA defines unlawful squatting as when an individual resides on another's land or premises without their knowledge or permission. Violators will receive a citation, which gives them three business days to present proof such as

a lease or rental agreement confirming their authorization to be on the premises. If they cannot provide such proof, they are subject to arrest and could face misdemeanor charges. The bill also extends the jurisdiction of magistrates to include these violations and modifies proceedings against intruders. The reform provides a streamlined process for ejecting squatters, including a submission of property affidavit, setting a time frame for eviction, and provisions for the use of monetary relief ([BillTrack50, n.d.](#)). Additionally, the GSRA increases penalties tied to this type of criminal activity. "False swearing and the submission of improper or fraudulent documentation will lead to felony arrest, removal and the squatter will be subject to additional fines to cover damages, back rent based on the property's fair market value and up to a year in jail," reads the bill ([The Georgia Virtue, 2024, para. 2](#)).

State of Florida ([HB 621](#))

In March of 2024, the Florida Legislature passed and Governor Ron DeSantis signed into law House Bill 621 ([2024](#)) as the means by which to provide "harsh and swift remedies against squatters, thereby safeguarding the rights of property owners across the state" ([Groisman, 2024, para. 2](#)). This measure took effect on July 1, 2024.

The primary rationale for the bill's passage is partially explained by staff for Florida's House of Representatives:

The "right to exclude others" is a fundamental right of property ownership. In recent news reports, there has been an increasing prevalence of "squatters" unlawfully entering residential property and refusing to leave when asked. By refusing to leave, a squatter violates the property owner's right to exclude and his or her freedom to enjoy the property as he or she desires. ([HB 621 Bill Analysis, 2024, p. 1](#))

To promote property rights and protect property owners, Florida policymakers enacted HB 621 which creates a new process to immediately remove a

squatter from a residential property, if certain conditions are met. According to the bill,

Under this new process, a property owner or his or her authorized agent may file a verified complaint with the sheriff in the county in which the property is located for the immediate removal of such unauthorized persons. Upon verification of the identity of the person filing the complaint and verification of the person's right to possess the real property, the sheriff must serve notice to the unlawful occupants to immediately vacate the property. ([HB 621 Bill Analysis, 2024, p. 1](#))

Groisman ([2024](#)) explains the process for removal in a simplified manner:

- A property owner or authorized agent must submit a completed and verified complaint to the sheriff in the county where the property is located.
- This complaint outlines the situation and requests assistance in immediately removing unauthorized occupants from your residential dwelling.
- Upon receiving the verified complaint, the sheriff takes action, verifying ownership, identifying the occupants, and giving the occupants a notice to vacate.
- The sheriff can arrest the unauthorized occupant if there is legal cause.
- The property owner can also request that the sheriff stand by while they take possession of the property, including changing locks and removing personal property.
- The sheriff is entitled to a specific fee for service (similar to when serving a writ of possession).
- The sheriff is not liable to any party for loss, destruction, or damage.

- The property owner or agent is not liable for loss or destruction of personal property unless it was wrongfully removed.

Furthermore, Florida's new law creates three additional crimes:

- Unlawfully detaining or trespassing upon a residential dwelling and intentionally causing at least \$1,000 in damage to such dwelling is a second-degree felony.
- Using a false document purporting to be a valid lease or deed is a first-degree misdemeanor.
- Fraudulently listing for sale or renting or leasing residential property without possessing an ownership right to or leasehold interest in the property is a first-degree felony. ([HB 621 Bill Analysis, 2024, p. 1](#))

Broad Support

In statehouses as well as in the court of public opinion, efforts to punish squatters and protect property owners have proven to be quite popular. Consider the final vote count for the passage of the GSRA, which received overwhelming approval from the Georgia House of Representatives (167 Yea; 0 Nay; 6 Not Voting; and 7 Excused). In the Georgia Senate, the final vote was closely matched (54 Yea; 0 Nay; 0 Not Voting; and 2 Excused) ([HB 1017, 2024](#)). A similar approval rate was also evident in the passage of Florida's new law, wherein that state's House passed HB 621 on 3rd reading (108 Yea; 0 Nay; and 12 Other). In the Florida Senate, the measure was adopted on 3rd reading (39 Yea; 0 Nay; and 1 Other; [FastDemocracy, n.d.](#)).

In addition to strong bipartisan support among state legislators, the broader public appears eager to see meaningful reform adopted. Consider a recent April 2024 poll conducted by Redfield & Wilton Strategies for *Newsweek*, which found, "Some 61 percent oppose the concept of squatters' rights in general, while 66 percent of people who believe a current law in New

York is too lenient believe squatters should ‘never’ be given rights, no matter how long they have inhabited a property” ([Mayer, 2024, para. 2](#)). These aspects provide important context for the next Texas Legislature as it weighs reforms befitting the Lone Star State.

RECOMMENDATIONS

In 2025, state legislators should consider a wide array of policy reforms to correct Texas’ pronounced squatting problem. While this list is not comprehensive, such reforms might include:

- **Define squatting in the Texas Property Code.** State law does not currently define the act of squatting or differentiate it from trespassing offenses. Without a proper definition, it is difficult to expect equal application of the law and uniform protection of people’s natural rights. Hence, policymakers should define the action. One example text is included in Georgia’s HB 1017 which states, “A person commits the offense of unlawful squatting when he or she enters 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. For purposes of this Code section, the term ‘resides’ means to inhabit or live on within any land or premises” ([HB 1017, 2024, p. 2](#)).
- **Create an expedited process to mediate disputes.** Policymakers should create a streamlined process that empowers Texas law enforcement to take appropriate action to remove squatters

using both Georgia and Florida’s new state laws as a framework that should inform any future Texas measure.

- **Create a criminal penalty for anyone engaged in squatting and committing destructive activity.** For any individual or group of individuals caught in the act of squatting and causing excessive property damage, policymakers should consider making such acts a state jail felony. Here too, Florida serves as an example, with HB 621 making this crime a “second-degree felony for any person who unlawfully occupies or trespasses in a residential dwelling and who intentionally causes \$1,000 or more in damages” ([DeSantis, 2024](#)).
- **Enhance the criminal penalties for anyone caught falsifying documentation while engaged in the act of squatting.** For anyone caught engaging in squatting and seeking to use falsified documents to continue in their deception, legislators should consider elevating the penalty to a state jail felony.

In Texas there should be no question about the right of exclusive use of privately owned property. However, without the proper mechanisms of enforcing this right Texas homeowners are at the mercy of a slow inefficient process that deprives them of the use of their property. Enacting reforms with Georgia and Florida statutes as a framework, the 89th Texas Legislature can take a major step toward curtailing the squatter problem and better protecting property rights across the Lone Star State. ■

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