

BILL ANALYSIS: HB 1076

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ISSUE

Mirroring laws passed by Florida, Georgia, New York, and others, House Bill 1076 criminalizes squatting in a model attempt to ensure that the private property rights of Texans are protected from bad actors ([Salmonsen, 2024](#)). In a time when Texas is one of the top three states in which squatters are occupying homes—with “an estimated 475 homes that had been occupied by squatters” concentrated in the Dallas-Fort Worth area ([Rahman, 2024](#))—HB 1076, if passed, would be a major victory in the fight to protect the private property rights of Texans. The specificity of the bill ensures that there is no ambiguity in the law and closes any loopholes that bad actors have taken advantage of in the past. By doing so, HB 1076 aims to secure one of the most sacred of all rights: the right to property.

ANALYSIS

HB 1076 amends and adds to numerous sections of the Texas Penal Code and Property Code, while also creating a form in which the average Texan shall be able to assert his or her rights to private property without having to incur the costs associated with hiring counsel ([HB 1076, 2024, pp. 1-10](#)). Additionally, property owners and law enforcement are shielded from liability in the process of removing squatters. Finally, the bill creates an avenue for any person who is wrongfully removed from real property to be made whole again through the courts.

Amendments and Additions to the Texas Penal Code

HB 1076 begins by amending the criminal mischief statute, Section 28.03 (b)(6), Texas Penal Code, by amending the pecuniary loss element. Thus, second-degree felonious criminal mischief occurs if the pecuniary loss to the property owner is \$1,000 or more if the property damaged is a habitation and there is a showing at the trial that the pecuniary loss (i.e., property damage) was committed whilst the defendant was criminally trespassing.

HB 1076 also adds two new sections to Section 32.00, Texas Penal Code, which contains the fraud statute. The proposed Section 32.56 makes it a misdemeanor to knowingly present documents that are false, fraudulent, or fake, masquerading as a lease, deed, or other document indicating ownership (in whole or in part) of real property, if the intent of the presentation of aforementioned documents was to enter or remain on said real property ([HB 1076, 2024, p. 4](#)). The proposed addition Section 32.57 makes it a felony for any person who knowingly lists property to which he or she knows the purported seller or lessor does not have the authority or legal title. This section also applies to any person who knowingly sells property to which he or she does not have the authority or legal title ([HB 1076, 2024, pp. 4-5](#)).

continued

Additions to the Texas Property Code

The proposed bill adds to Section 24.00, Texas Property Code by expressly laying out the process in which property owners may request county sheriffs remove unauthorized occupants ([HB 1076, 2024, pp. 5-10](#)). The process includes an easy-to-follow complaint form that Texans can fill out and begin the process by taking the completed form to their county sheriff. Upon verification of the complaint, the sheriff can move quickly to serve the complaint and begin the process of removal. Finally, the bill protects lawful property owners, tenants, and lessees by creating an action for the wrongful removal of persons and personal property. Prevailing on an action of wrongful removal entitles the plaintiff to recover possession of real property, and allows for damages against the defendant, including court costs and attorney's fees.

RECOMMENDATIONS

- Implementation of a verification or notice period process to ensure wrongful removals are minimized. This could include a requirement on law enforcement's part to verify the legal status of occupants beyond merely the owner's claim, or an additional step to notify occupants and offer them an opportunity to either vacate or contest their removal prior to action being taken.
- Clarification of the specific actions law enforcement may take if there are disputes on-site or if occupants refuse to leave. Clear procedures will aid in consistency in enforcement and reduce the potential for conflict.

REFERENCES

HB 1076. Filed. 89th Texas Legislature. Regular. (2024). <https://capitol.texas.gov/tlodocs/89R/billtext/pdf/HB01076I.pdf#navpanes=0>

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Tex. Penal Code § 28.03 (1973 & rev. 2023). <https://statutes.capitol.texas.gov/Docs/PE/pdf/PE.28.pdf>

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