WEST VIRGINIA LEGISLATURE 2024 REGULAR SESSION

Committee Substitute

for

House Bill 4940

By Delegates Crouse, Lucas, Winzenreid, Petitto,
Smith and Kimble

[Originating in the Committee on the Judiciary; Reported on January 30, 2024]

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ARTICLE

A BILL to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated as §37-6-31; and to amend said Code by adding thereto a new article, designated as §55-3C-1, §55-3C-2, and §55-3C-3; all relating to squatting and the remedies therefor; defining a term; clarifying that squatting is a wrongful occupation of property; excluding squatting from the provisions of certain sections of Code; providing that petition and eviction are not appropriate remedies to remove squatters from property; defining terms; noting that squatting is the same as trespass; providing that squatters are not tenants; clarifying that the remedy for squatting is arresting the trespassing squatter for the crime of trespass; and providing that petition and eviction are not appropriate remedies to remove squatters from property.

Be it enacted by the Legislature of West Virginia:

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CHAPTER 37. REAL PROPERTY.

LANDLORD

AND

TENANT.

§37-6-31. Exclusions from application of this article.

(a) For purposes of this Article, "squatter" means a person occupying a dwelling unit who is
not so entitled under a rental agreement or who is not authorized by the tenant to occupy that
dwelling unit. "Squatter" does not include a tenant who holds over in a periodic tenancy as
described in §37-6-5 of this code.

(b) Occupancy by a squatter is not governed by the provisions of this article.

(c) No Court of this state shall require the utilization of eviction, or a similar procedure such as those found under the provisions of this chapter, by an owner in any instance involving the removal of a squatter from possession of a property, and such removal shall not be unduly hindered.

ARTICLE 3C. REMEDIES FOR SQUATTING. §55-3C-1. Squatting defined; squatting synonymous with trespass.

1	(a) (1) For purposes of this Article, "squatter" means a person occupying a dwelling unit or				
2	other structure who is not so entitled under a rental agreement or who is not authorized by the				
3	tenant to occupy that dwelling unit or structure. "Squatter" does not include a tenant who holds				
4	over in a periodic tenancy as described in §37-6-5 of this code.				
5	(2) "Squatting" means the act of being a squatter.				
6	(b) Squatting is synonymous with trespass, and is a criminal act under §61-3B-2 or §61-				
7	3B-3 of this Code.				
	§55-3C-2. Squatters not tenants; remedy is arrest for trespass.				
1	(a) Squatters are not considered tenants for purposes of this code.				
2	(b) A person desiring to remove a squatter from a property may apply for relief from				
3	violation of the provisions of §61-3B-2 or §61-3B-3 of this Code.				
§55-3C-3. Petition and eviction not appropriate remedies for squatters.					
1	No Court of this state shall require the utilization of eviction, or a similar procedure such as				
2	those found under §55-3A-1, et. seq. or §55-3B-1, et. seq. of this Code, by an owner in any				
3	instance involving the removal of a squatter from possession of a property, and such removal shall				
4	not be unduly hindered.				

NOTE: The purpose of this bill is to prohibit squatting, and to clarify that squatters are not considered tenants.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.