

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2434

By Delegates Hornby, Maynor, Crouse, Willis, Ward,

Chiarelli, Holstein

[Originating in the Committee on the Judiciary;

Reported on February 27, 2025]

1 A BILL to amend and reenact §55-3C-1 of the Code of West Virginia, 1931, as amended, and
2 adding thereto a new article, designated §55-3D-1, §55-3D-2, §55-3D-3, and §55-3D-4, all
3 relating to squatting; amending the definition of squatting; establishing the Stop Squatters
4 Act; providing a limited alternative remedy to remove unauthorized persons from
5 residential and commercial real properties; providing for the immediate removal by a law-
6 enforcement agency upon request of the property owner of any person unlawfully
7 occupying a residential dwelling or commercial building if certain conditions are met;
8 providing a civil cause of action for wrongful removal; establishing misdemeanor and
9 felony offenses for unlawfully occupying and intentionally damaging a residential dwelling
10 or commercial building and providing penalties upon conviction thereof; establishing a
11 misdemeanor offense for knowingly presenting a false document purporting to convey real
12 property and providing penalties upon conviction thereof; and establishing a felony offense
13 for any person who knowingly lists or advertises residential real property or a commercial
14 building for sale or renting without legal title or authority and providing penalties upon
15 conviction thereof.

Be it enacted by the Legislature of West Virginia:

CHAPTER 55. ACTIONS, SUITS AND ARBITRATION; JUDICIAL SALE.

ARTICLE 3C. REMEDIES FOR SQUATTING.

§55-3C-1. Squatting defined; squatting synonymous with trespass.

1 (a) "Squatter" means a person occupying a dwelling unit or other structure who is not so
2 entitled under a rental agreement or who is not authorized by the tenant or owner to occupy that
3 dwelling unit or structure. "Squatter" does not include a tenant who holds over in a periodic
4 tenancy as described in §37-6-5 of this code.

5 (b) "Squatting" means the act of being a squatter.

ARTICLE 3D. STOP SQUATTERS ACT.

§55-3D-1. Limited Alternative Remedy to Remove Unauthorized Persons from Residential and Commercial Real Properties.

(a) The Legislature finds that the right to exclude others from entering, and the right to direct others to immediately vacate, residential, and commercial real property are fundamental property rights.

(b) A property owner or their authorized agent may request from the sheriff of the county or the chief of city police, as applicable, the immediate removal of any person or persons unlawfully occupying a residential dwelling or commercial building if the following conditions are met:

(1) The requesting person is the property owner or authorized agent;

(2) The real property includes a residential dwelling or commercial building;

(3) An unauthorized person or persons are unlawfully occupying the property;

(4) The property was not open to the public at the time of entry;

(5) The property owner has directed the unauthorized person(s) to leave;

(6) The unauthorized person(s) are not owners or current or former tenants;

(7) The unauthorized person(s) are not immediate family members of the property owner;

and

(8) No pending litigation exists between the property owner and the unauthorized person(s).

(c) To request the immediate removal as per section (b) above, the property owner or authorized agent must submit a completed and verified complaint to remove persons unlawfully occupying real property ("complaint") to the sheriff or police chief, as applicable.

(d) Upon receipt of the complaint, the law-enforcement agency that receives the complaint shall conduct preliminary fact-finding, which may include reviewing any alleged lease agreement, talking to neighbors, and other relevant inquiries to ascertain the validity of the complaint. If the preliminary fact-finding indicates probable cause that the above conditions outlined in subsection (b) of this section are met, then the law-enforcement agency shall serve a notice to immediately

vacate upon the unlawful occupants and put the owner in possession of the real property.

(e) The law-enforcement agency is entitled to a fee for service. Upon serving the notice, the property owner may request the law-enforcement agency to stand by to keep the peace while changing locks and removing personal property of the unlawful occupants.

(f) The property owner who submits a complaint, pursuant to subsection (c) of this section, that turns out to be false shall indemnify the law-enforcement agency and its agents for any damages awarded against the law-enforcement agency or its agents for their good faith conduct that was based on the complaint.

(g) A civil cause of action for wrongful removal is allowed, with remedies including restoration of possession, actual costs, damages, and attorney fees.

(h) This section does not limit other property owner rights or law-enforcement authority.

§55-3D-2. Criminal mischief; penalties.

A person who unlawfully occupies a residential dwelling or commercial building consistent with this section and intentionally damages either of them causing less than \$1,000 in damages is guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail for a term not to exceed one year or fined not to exceed \$2,500, or both fined and confined, in the discretion of the court.

A person who unlawfully occupies a residential dwelling or commercial building consistent with this section and intentionally damages either of them causing more than \$1,000 in damages commits a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than 10 years, or, in the discretion of the court, be confined in jail not more than one year and shall be fined not more than \$2,500.

§55-3D-3. Making false statement to detain real property

Any person who knowingly presents a false document purporting to convey real property rights is guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail for a term not to exceed one year or fined not to exceed \$2,500, or both, in the discretion of the court.

§55-3D-4. Fraudulent sale or lease of residential real property.

1 Any person who knowingly lists or advertises residential real property or a commercial
2 building for sale or renting without legal title or authority is guilty of a felony and, upon conviction
3 thereof, shall be imprisoned in the penitentiary not less than one nor more than 10 years, or, in the
4 discretion of the court, be confined in jail not more than one year and shall be fined not more than
5 \$2,500.

NOTE: The purpose of this bill is to establish the Stop Squatters Act; providing a limited alternative remedy to remove unauthorized persons from residential and commercial real properties. The bill also establishes criminal offenses and penalties for intentional property damage by persons in unlawful possession, or who present a false document purporting to convey real property or attempt to list for sale or rent without title thereto.

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