

# INVITED TESTIMONY TO THE SENATE COMMITTEE ON LOCAL GOVERNMENT: SQUATTING INTERIM CHARGE

BY **James Quintero**, Texas Public Policy Foundation  
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Chairman Bettencourt and Members of the Committee,

My name is James Quintero and I represent the Texas Public Policy Foundation. Thank you for the opportunity to present to the committee today and for investigating a matter of great importance to those who place a premium on property rights, public safety, and the rule of law.

As you know, the interim charge before the committee this afternoon seeks to examine the following:

**Secure Texas Against “Squatters”:** Review current laws relating to “squatters” or those claiming adverse possession of property. Make recommendations to streamline the process for the immediate removal of “squatters” and to strengthen the rights of property owners.

In furtherance of this item, the written remarks below will provide an overview of the existing process to remove a squatter<sup>1</sup>; provide examples of actual squatting incidents throughout the state; highlight legislative remedies in other large, populous states; briefly touch on the popularity of reform efforts; and provide recommendations to improve Texas’ policy landscape and bolster property owners’ fundamental rights.

## THE PROCESS TO REMOVE TEXAS SQUATTERS

A rightful property owner may sometimes seek to evict a tenant for “failing to pay rent, holding over after the lease expires, or violating the lease” ([Innago, 2023](#)). Where this is the case, a property owner must follow the eviction process as established by Chapter 24 of the Texas Property Code. Innago ([2024](#)) provides a helpful overview of the current cumbersome process, noting:

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.

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<sup>1</sup> According to McCaw Property Management ([n.d., para.1](#)), “a squatter is somebody who is living on a land or in a building that is either unoccupied, abandoned, or foreclosed without the legal consent of the actual property owner.” One key difference between squatting and trespassing is that the former is usually considered to be a civil issue while the latter tends to be seen as a criminal matter.

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' to court, 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.
6. 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."

As you can see, the traditional process to evict an unwanted tenant is a very involved one, and perhaps justifiably so. However, as may be best evidenced through anecdotes and examples, the current eviction process falls short in several ways as it relates to squatters, who are arguably in a class of their own.

## EXAMPLES OF SQUATTING IN TEXAS

Since January 2023, the media has reported on 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, there are certain overlapping characteristics that tend to be common, such as a lack of clarity and quickness, a tendency to invite other harms, and a steep price tag.

### *A Lack of Clarity and Quickness*

- **Bexar County:** In April 2024, *WOAI* featured a couple, Abram Mendez and his wife, who purchased a fixer-upper and struck a deal with a local contractor to help repair it. "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 [WOAI] 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 (in part) to some viewing it as a civil matter.
- **Harris County:** In August 2023, *ABC7* reported on an incident covered by its sister station, *ABC13*, in which squatters broke into the rental home of Jim Johnson and his wife, and proceeded to rip down the leasing company's sign. The squatters also called a locksmith to change the locks in order to deny entry to the rightful owners. In turn, the owners are trying to navigate the current process, but it turned 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" ([Shay, 2023a, para. 9](#)).
- **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. “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.

- **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](#)).
- **City of Mesquite:** In March 2024, the *New York Post* recounted the stunning circumstance of Terri Boyette, a Texas woman who had temporarily relocated to Florida to care for her ailing mother and was plagued by squatters who turned her home “into a ‘drug den’ and sold her possessions at a yard sale—[and] 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” ([Taer, 2024, para. 5](#)).

### ***A Tendency to Invite 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 persistence of the squatting problem, other issues began to emerge. According to Harris County Constable Jerry Garcia, “Residents were saying it 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” ([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 that had temporarily taken up residence at a property she was trying to sell. According to the realtor, “He had handwashed his clothes. They were hanging in the garage, dripping, it was still soaking wet. He had an electric skillet and he had come and cooked” ([Gaspard & Orr, 2024, para. 9](#)). Fortunately, 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 too as “there are about 160 homes that are vacant and on the city’s radar” ([Soto, 2023, para. 4](#)).

## Cities Where the Most Homes Have Been Taken Over by Squatters



Source: National Rental Home Council

### A 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 townhome up for rent. Barber soon after found a tenant, Natasha Timmons, and upon due diligence, the two parties signed a contract. However, shortly thereafter, Timmons allegedly stopped paying rent and refused to leave, resulting in a protracted legal dispute. “One person has cost me over \$50,000,” the 26-year-old first lieutenant said” ([Shay, 2023c, para. 2](#)).
- **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 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” ([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, listed at \$3,600 per month. Before the Giangs understood what had happened, the squatters had 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 contract does not [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, para. 6, 10](#)).

Of course, this is not a comprehensive list of all squatter-related incidents in Texas over the last 12 to 18 months. There are far more instances of this activity, with a large measure seemingly centered in the Metroplex area.

According to a recent survey of members of the National Rental Home Council (NRHC), participants reported 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 run-ins with 1,200 squatters in Atlanta, Georgia, and 125 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 populous states are beginning to enact policy reform to stiffen penalties and prevent problems from emerging. A few examples of those who have taken recent action include the states of 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 in the measure “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, S8996 and A9772, that offered a new definition of squatters for the state’s housing law. 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. ([New York State Senator John C. Liu, 2024, para. 2](#))

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

### **The State of Georgia (House Bill 1017)**

During the 2023–2024 Regular Session of the Georgia Legislature, legislators considered and overwhelmingly 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 sponsor explained that the measure was introduced in order 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:

They 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 evictions cases that they can’t even take on squatting issues, meaning the squatters can drag out the process for months. ([DeFeo, 2024, para. 9–10](#))

In order to remedy these issues, the GSRA advanced the following statutory changes:

The Act defines unlawful squatting as when an individual resides on another's land or premises without their knowledge or permission. Violators will receive a citation, giving 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 [sic] 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 on the property's fair market value and up to a year in jail" ([The Georgia Virtue, 2024, para. 2](#)).

In response to the bill's passage, the NRHC offered effusive praise, saying, "NRHC commends Governor Kemp for signing this important legislation, in the process supporting the rights of homeowners throughout the state of Georgia... Beyond the obvious property rights issues involved, this legislation will enhance the safety and security of communities and neighborhoods and will make housing more accessible and attainable" ([National Rental Home Council, 2024, para. 2](#)).

### **State of Florida (House Bill 621)**

In March 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 is set to take effect on July 1, 2024.

The primary rationale for the bill's passage is (in part) explained by staff for Florida's House of Representatives, who state:

"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](#))

So as 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. "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 more 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.”

Further, Florida’s new law creates three additional crimes, including:

- “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, the 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 nearly unanimous 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 by 108 Yea; 0 Nay; and 12 Other. In the Florida Senate, the measure was adopted on 3rd reading by a vote of 39 Yea; 0 Nay; and 1 Other ([FastDemocracy, n.d.](#)).

In addition to strong bipartisan support among state legislators, the broader public also 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. Policymakers should not question whether those reforms—even if aggressive—might be unpopular.

## 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:

- **Create an expedited process to mediate disputes.** Policymakers should create a streamlined process that empowers Texas law enforcement to receive complaints and take action to remove squatters in short order, when appropriate.
- **Create a criminal penalty for anyone engaged in squatting and committing destructive activity.** For anyone caught squatting and causing excessive property damage, consider making it a state jail felony.
- **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, consider elevating the penalty to a state jail felony.

With these reforms in effect, the 89th Legislature can take a major step toward curtailing the squatter problem and protecting property rights all around the Lone Star State.



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## ABOUT THE AUTHOR



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Quintero received a B.A. from the University of Texas at Austin and an M.P.A. from Texas State University. He is currently seeking a Ph.D. in public policy from Liberty University. In 2022, he was appointed to serve a three-year term on the Commission for Lawyer Discipline.

Quintero and his wife, Tricia, are blessed with five beautiful children and faithfully attend Bannockburn Baptist Church.

