

BILL ANALYSIS: SB 1333

A New Law to Better Protect Homeowners & Punish Squatters

BY **Sloane Ennis, Grayson Nolles, and James Quintero**, Taxpayer Protection Project

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INTRODUCTION

The passage of Senate Bill 1333 (2025) addresses an important gap in Texas' statutory framework by providing property owners with "clear legal tools to remove unauthorized occupants and [abate concerns] that squatters can cause financial harm by damaging or neglecting property" ([SB 1333 Bill Analysis, 2025, p. 1](#)). This legislation was the culmination of a long investigatory process that ultimately determined a "need to ensure that individual rights are protected, and that the State's laws provide balance to property owners and bona fide tenants, both in structure and enforcement" ([Senate Committee on Local Government, 2024, p. 50](#)).

Prior to SB 1333's enactment, the general consensus was that squatters could be defined as "people who unlawfully enter into properties as trespassers and declare a right to occupy that is not derived from any deed or other conveyance" ([National Housing Law Project, 2024](#)). Although that colloquial definition helped to generally describe the problem, vagaries in Texas state law prevented the phenomenon from being actually captured and quantified. This dynamic presented a particular challenge for the Lone Star State, as Texas featured one of the largest numbers of cases. According to the National Rental Home Council (NRHC), for example, a membership survey revealed that Atlanta, Georgia and the Dallas/Ft. Worth region suffered from the greatest number of squatting incidents nationwide, with the former reporting 1,200 cases and the latter noting 475 alleged violations ([Senator Paul Bettencourt, 2024](#)). Admittedly, this data is limited to some degree, but it nonetheless offers some relative indication of the problem's scope and scale.

While squatters occupy a home without legal right or necessary payment, property owners are still legally responsible for meeting all of the ongoing expenses, such as property taxes, homeowners insurance, and utility bills ([Hemlane, 2025](#)). These financial obligations continue to accrue regardless of whether the owner is able to access or rent out the property in dispute. In some cases, squatters even used utilities without paying for them, further compounding the economic strain on homeowners. This unjust burden forced law-abiding property owners to effectively subsidize unlawful occupation, often while simultaneously covering legal fees in their efforts to reclaim control of their homes.

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Seeking a legal remedy for these issues is also challenging. Gaps in Texas law require homeowners to undergo the full eviction process before law enforcement could forcibly remove an intruder from their property, which can sometimes take months.¹ This process involves issuing eviction notices, filing a formal complaint with the Texas Justice of the Peace Court, serving the squatter with a citation, holding a formal hearing, and ultimately obtaining a writ of possession from a judge to confirm ownership before enforcement could take place ([Quintero & Bonura, 2025](#)). In response to these obvious difficulties, the 89th Texas Legislature passed SB 1333 to address these squatting-related challenges and to empower property owners to remove squatters without waiting an extended duration whilst spending thousands of dollars on legal representation and resolution.

SB 1333 PRE-IMPLEMENTATION

Under Chapter 24 of the Texas Property Code, squatting is treated civilly as an eviction case prior to the date of implementation of SB 1333. The landlord or homeowner provides an eviction notice to be observed within three days unless otherwise specified in the leasing agreement. If no action is taken within those three days, the homeowner may file a complaint with the Justice Court, which results in a summons being served to the squatter. Within 10 to 21 days of the complaint being filed, a court date will be scheduled, followed by a five-day period for appeal if the owner wins the case. Finally, if the squatter fails to leave the property, a writ of possession allowing 24 hours for removal is presented and will be followed by law enforcement interference if it is not obeyed ([Texas Property Code, §24.001](#)).

Under current law, squatters also maintain the right to adverse possession in certain circumstances ([Texas Civil Practice and Remedies Code §16.024](#)), including:

- Residence on the property with the possession of a color of title for 3 years.
- Uses or enjoys the property, pays taxes, and possesses a title or color of title for 5 years.
- Inhabitation or use of the property for 10 years.

An additional deficiency in state statute is the lack of specificity when prosecuting property fraud, which includes deals involving forged leases or documents. These cases were classified as general fraud or criminal mischief with no specific charges regarding fraudulent occupancy strategies.

SB 1333 POST-IMPLEMENTATION

The enrolled version of SB 1333 ([2025](#)) institutes five critical changes to expedite the removal and prosecutorial processes for squatters and to protect tenants who are wrongfully removed from the property, including:

1. **Law enforcement can remove squatters more efficiently.** Under a new chapter of the Property Code, property owners can submit an affidavit to the sheriff or constable to request the immediate removal of an unauthorized occupants without undergoing the entire eviction process.
2. **There are clear criminal penalties now provided for fraudulent occupancy.** Presenting fake deeds or titles for occupancy is now classified as a class A misdemeanor. Using fraudulent documents to instigate the sale, rental, or lease of property is now classified as a first-degree felony.

1 In the Texas Public Policy Foundation's publication *Invited Testimony to the Senate Committee on Local Government: Squatting Interim Charge* ([2024](#)), there are many such examples of delay cited.

- 3. The bill strengthens penalties for criminal mischief by trespassers.** Property damage valued at between \$1,000 to \$300,000 committed while trespassing is now classified as a second-degree felony.
- 4. The expedited removal from property excludes specific groups.** Although property owners can request the immediate removal of unauthorized individuals, this does not include family members or current/former tenants.
- 5. Finally, the bill ensures protection for individuals who are wrongfully removed.** Individuals who are found to have been wrongfully evicted from the property are entitled to sue the owner for actual and exemplary damages, three times the fair market rent, court costs, and attorney fees.

Overall, SB 1333 creates a legal pathway to swiftly and effectively remove squatters while reinforcing due process for legitimate tenants. Property owners can now act more quickly, reducing the time and cost associated with lengthy civil eviction procedures.

MEASURES TAKEN BY OTHER STATES

Other states have also rectified gaps in their law to account for the recent rise in squatting. Florida and Georgia provide examples of legislation passed within the last year that aims to increase scrutiny of squatting and provides property owners with more resources to remove the unauthorized individuals. Due to the fact that this legislation has only recently been implemented, there is still a lack of centralized data reporting regarding their success. However, when analyzing the language of Florida and Georgia's anti-squatting laws, possibilities for future amendments to Texas' own laws become clear, such as an extension for the inclusion of empty lots and commercial businesses, in addition to residential property and protection for landlords from tenants who overstay their leases.

The State of Florida

In 2024, Florida enacted House Bill 621 ([2024](#)), which strengthened penalties for squatting and included an expedited removal process, much like SB 1333. This bill, however, is being revisited for changes in the future to strengthen the original provisions provided by creating new legislation in 2025. This includes adding clarity to the definition of what a squatter is in the state, while also addressing potential recourse for wrongfully removed individuals.

Senate Bill 322 ([2025](#)) specifies an individual's ability to occupy commercial real property. This legislation acts as the aforementioned revision to HB 621 by strengthening its original principles. The bill allows property rights to expand beyond residential sites, so that squatting is also illegal in hotels, restaurants, and commercial sites. Additionally, this legislation addresses recourse of up to three times the fair market rent, damages, and legal fees by forcing the squatters to pay the damages; however, it is fairly new since it took effect on July 1, 2025, so there is little information on the implementation of the legislation beyond what is written by the author.

The State of Georgia

In 2024, Georgia passed legislation similar to the measures in Texas and Florida. House Bill 1017 ([2024](#)) increased criminal penalties for those who are deemed to be illegally residing on private property. Additionally, Georgia expedited the process for removal under this bill by requiring a 10-day notice for the squatter to vacate. After that, the squatter can be forcibly removed by law enforcement, instead of undergoing the entire eviction process before their involvement.

In addition to HB 1017, Georgia also passed HB 1203 ([2024](#)). This bill is tailored towards landlord and tenant relationships and specifies how law enforcement should act in relation to eviction notices. HB 1017 does not deal with squatters; however, it protects landlords from tenants who overstay—which is an exception within typical squatter legislation, such as SB 1333 in Texas or HB 621 in Florida.

FUTURE LEGISLATIVE RECOMMENDATIONS

Although SB 1333 has been successfully passed by the 2025 Texas Legislature, there are still further improvements to consider moving forward, especially as it pertains to protecting property rights. Future statutory adjustments and reforms that the 2027 Texas Legislature could contemplate include measures such as:

- 1. Civil penalties should be added to complement the criminal penalties.** During the next session, legislators should focus on creating a bill to outline specific civil penalties that were removed from the original SB 1333 legislation.
- 2. Provisions should be added to protect empty lots and commercial businesses from squatters.** The Texas Legislature should adopt new legislation modeled after Florida's SB 322 on squatting in hotels and restaurants, as well as protecting vacant lots from squatters.
- 3. The state should continue to define landlord and tenant relationships.** The State of Georgia further outlined the tenants' rights and the landlords with HB 1017. Since SB 1333 leaves out this relationship as an exception, the Texas Legislature should adopt a bill like HB 1017 so that tenants are not able to overstay their lease without authorization from the landlord.

With these policy prescriptions in place, along with SB 1333, the loopholes that squatters abuse will be eliminated from the Texas Legal Code. Unauthorized individuals will no longer be able to infringe on the rights of property owners, ensuring that people in the state can leave their homes unattended without fear of unknown consequences. SB 1333 and other bills like it mark a major victory in property rights for citizens of the state of Texas by placing law enforcement as the primary actor when it comes to squatter evictions.■

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ABOUT THE AUTHORS



James Quintero is the policy director for the Texas Public Policy Foundation's Taxpayer Protection Project. He joined the Foundation in 2008 and his work has generally focused on local government matters, especially where it involves taxes, spending, and debt. His work has been featured in the *New York Times*, *Forbes*, *Fox News*, *Breitbart*, and more.

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.



Sloane Ennis is a Life:Powered Intern at the Texas Public Policy Foundation for the 2025 Summer semester. Sloane graduated from Lake Travis High School in the spring and is now a rising Freshman at Texas A&M University, majoring in Engineering. At school, she participated in various programs including Speech and Debate, Student Council, National Honor Society, and Varsity Lacrosse.



Grayson Noles is the summer 2025 Intern for the Right on Crime campaign. She is currently a student at Baylor University studying Professional Writing and Rhetoric with a minor in Criminal Justice. At Baylor, she participates in several organizations including working in the cabinet of the Student Government External Vice President as Chief of Staff and Recruitment Coordinator for Kappa Kappa Gamma.

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