CalRHA CALIFORNIA RENTAL HOUSING ASSOCIATION 2025 Proposed Sponsored Bill

Trespassing Response & Remedies Act

SUMMARY

A trespasser has no legal claim or interest in the property. Trespassers who occupy residential property without authorization, also known as squatters, have become a growing problem in California and across the country. The result of such trespass is property damage, income loss for property owners, and reduced available housing for legitimate renters. They also facilitate illegal activity (e.g., narcotics sales and rave parties) that pose safety risks for our communities.

BACKGROUND AND PROBLEM

Trespassers will illegally enter a vacant home, and attempt to establish legal residency through illegal means such as falsely claiming they have a right to live in the home. Oftentimes, trespassers will transfer utilities into their name, or they will forge lease documents. In rare cases, the trespassers may be the victims of a fraudulent scheme having paid rent to a third-party who claimed to be the legal owner of the property.

When the property owner realizes the illegal trespassing and calls law enforcement, officers lack the ability to remove the trespassers due to the existence of forged documents or mere false oral statements made by the trespassers claiming that they have a right to be there. This leaves the property owner with only one option: the expensive and lengthy unlawful detainer (eviction) process. The property owner must provide proper notice, file a formal eviction complaint in court, and attend (or pay their attorney to attend) a hearing to lawfully remove the trespassers. In many parts of California, this process can take up to a year to fully adjudicate, costing the rightful property owner many thousands of dollars in legal fees and expenses.

In the meantime, the trespasser may have caused substantial damage to the property resulting in additional expense to the rightful property owner.

Other States: A number of states have enacted trespasser eviction laws in 2024, including New York, Pennsylvania, and Georgia, while a dozen other states have pending legislation.

SOLUTION

Provide property owners with a swift and streamlined remedy against trespassers by providing local law enforcement with the tools to intercede when trespassers are present at a property.

The proposed legislation would provide a quick and simple process to reclaim real property from trespassers, avoiding costly delays, litigation, and in the case of rental properties, missed rents.

(i) This bill would permit a property owner to request law enforcement within the county in which the dwelling is located to immediately remove an individual from their property by providing a sworn affidavit that the individual has unlawfully entered the property, remains on the property after being directed to leave, and has no right to occupy the property.

(ii) The affidavit set forth in subsection (i) above contains specified affirmations regarding ownership, unauthorized occupancy, and notice to vacate in a form to be prescribed under the law.

(iii) This bill would create penalties for those engaged in trespassing, including falsifying documents, misleading law enforcement, causing property damage, and falsely advertising the sale or rent of a property without legal authority.

(iv) In order to protect lawful occupants or renters, the bill includes penalties for property owners who wrongfully remove persons who rightfully occupy the property, and provides substantial civil protections for individuals who are wrongfully removed.

(v) The bill includes an immunity provision to protect law enforcement.