

House File 2629 - Introduced

HOUSE FILE 2629
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 981)

A BILL FOR

1 An Act establishing the criminal offense of unlawful squatting,
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **648.24 Unlawful squatting.**

2 1. As used in this section:

3 a. "*Immediate family member*" means a person's spouse,
4 children, parents or guardians, siblings, and grandparents,
5 whether related by blood, adoption, or marriage.

6 b. "*Premises*" means a dwelling, commercial building, or
7 vacant or unimproved real property.

8 c. (1) "*Unlawful squatting*" means entering and residing
9 unlawfully in a premises when the person entering and residing
10 in the premises is not privileged or licensed to do so.

11 (2) "*Unlawful squatting*" includes without limitation taking
12 up residence in a premises a person does not own if all of the
13 following are true:

14 (a) The person is not a current tenant at the premises.

15 (b) The person does not have a valid agreement to occupy the
16 premises.

17 (c) The person is not an immediate family member of the owner
18 of the premises.

19 2. A person commits the offense of unlawful squatting if all
20 of the following circumstances apply:

21 a. The person:

22 (1) Knowingly enters the premises of another person.

23 (2) Knowingly resides on the premises of the other person for
24 any period of time.

25 (3) Knowingly acts without lawful authority in entering and
26 residing on the premises.

27 (4) Cannot produce at least one of the following documents:

28 (a) A deed or mortgage statement in the person's name for the
29 premises.

30 (b) A lease agreement that includes the name and signature
31 of the other person or an authorized representative of the other
32 person.

33 (c) A valid written or electronic agreement or communication
34 authorizing the person to enter upon the premises.

35 (d) A receipt or other reliable evidence of a rent payment

1 made to the other person or an authorized representative of the
2 other person dated within the last sixty days.

3 b. The premises the person enters upon is not open to the
4 public at the time of entry.

5 c. The owner of the premises has directed the person entering
6 upon the premises to leave the premises or has contacted law
7 enforcement to make a report of unlawful squatting.

8 d. No pending litigation exists between the owner of the
9 premises and the person entering upon the premises.

10 3. A law enforcement agency shall not accept a report of
11 unlawful squatting unless the report is made by an owner of the
12 premises upon which the unlawful squatting occurred, or by an
13 authorized representative of the owner of the premises upon which
14 the unlawful squatting occurred.

15 4. A law enforcement officer acting in good faith in response
16 to a report of a violation of this section is immune from
17 criminal and civil liability.

18 5. a. Unlawful squatting is a serious misdemeanor.

19 b. A second offense of unlawful squatting is an aggravated
20 misdemeanor.

21 c. A third or subsequent offense of unlawful squatting is a
22 class "D" felony.

23 6. If a person who has entered upon the premises of another
24 person knowingly provides a false document in response to a
25 request to produce a document under subsection 2, paragraph
26 "a", subparagraph (4), or otherwise produces a false document
27 as justification for the person's presence on the premises, the
28 person is guilty upon conviction of a class "D" felony.

29 7. A person aggrieved by a violation of this section is
30 granted a private cause of action against the person who violated
31 this section and is entitled to recover damages, including
32 without limitation restitution, and reasonable attorney fees.

33 **EXPLANATION**

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill establishes the criminal offense of unlawful
2 squatting.

3 The bill provides that a person commits the offense of
4 unlawful squatting if all of the following circumstances apply:
5 the person knowingly enters the premises of another person and
6 resides on the premises of the other person for any period
7 of time without lawful authority in entering and residing on
8 the premises, and cannot produce any document authorizing the
9 person's presence; the premises the person enters upon is not
10 open to the public at the time of entry; the owner of the
11 premises has directed the person entering upon the premises to
12 leave the premises or has contacted law enforcement to make a
13 report of unlawful squatting; and no pending litigation exists
14 between the owner of the premises and the person entering upon
15 the premises.

16 The bill provides that a law enforcement agency shall not
17 accept a report of unlawful squatting unless the report is made
18 by an owner of the premises upon which the unlawful squatting
19 occurred, or by an authorized representative of the owner of
20 the premises upon which the unlawful squatting occurred. A law
21 enforcement officer acting in good faith in response to a report
22 of a violation of this section is immune from criminal and civil
23 liability.

24 The bill provides that unlawful squatting is a serious
25 misdemeanor. A second offense of unlawful squatting is an
26 aggravated misdemeanor. A third offense of unlawful squatting
27 is a class "D" felony. A person who provides a false document as
28 justification for the person's presence on the premises commits
29 a class "D" felony. A serious misdemeanor is punishable by
30 confinement for no more than one year and a fine of at least
31 \$430 but not more than \$2,560. An aggravated misdemeanor is
32 punishable by confinement for no more than two years and a fine
33 of at least \$855 but not more than \$8,540. A class "D" felony is
34 punishable by confinement for no more than five years and a fine
35 of at least \$1,025 but not more than \$10,245.

1 The bill provides a private cause of action for a person
2 aggrieved by a violation of the bill and the person is entitled
3 to recover damages, including without limitation restitution, and
4 reasonable attorney fees.

5 The bill provides definitions of "immediate family member",
6 "premises", and "unlawful squatting".

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