

**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:

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  
16 the premises.

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

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

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

1 (d) A receipt or other reliable evidence of a rent payment  
2 made to the other person or an authorized representative of the  
3 other person dated within the last sixty days.

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

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

10 d. No pending litigation exists between the owner of the  
11 premises and the person entering upon the premises.

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

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

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

21 b. A second offense of unlawful squatting is an aggravated  
22 misdemeanor.

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

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

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

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EXPLANATION

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

3

4 This bill establishes the criminal offense of unlawful  
5 squatting.

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

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

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

1 years and a fine of at least \$855 but not more than \$8,540. A  
2 class "D" felony is punishable by confinement for no more than  
3 five years and a fine of at least \$1,025 but not more than  
4 \$10,245.

5 The bill provides a private cause of action for a person  
6 aggrieved by a violation of the bill and the person is entitled  
7 to recover damages, including without limitation restitution,  
8 and reasonable attorney fees.

9 The bill provides definitions of "immediate family member",  
10 "premises", and "unlawful squatting".