

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4940

BY DELEGATES CROUSE, LUCAS, WINZENREID, PETITTO,

SMITH, AND KIMBLE

[Passed March 6, 2024; in effect ninety days from
passage.]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2024 MAR 22 P 1:43

FILED

HB 4940

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1 AN ACT to amend the Code of West Virginia, 1931, as amended; by adding thereto a new
2 section, designated as §37-6-31; and to amend said Code by adding thereto a new
3 article, designated as §55-3C-1 and §55-3C-2; all relating to squatting and the remedies
4 therefor; defining a term; clarifying that squatting is a wrongful occupation of property;
5 excluding squatting from the provisions of certain sections of Code; providing that
6 petition and eviction are not appropriate remedies to remove squatters from property;
7 defining terms; providing that squatters are not tenants; noting that squatting is the same
8 as trespass; and providing that petition and eviction are not appropriate remedies to
9 remove squatters from property.

Be it enacted by the Legislature of West Virginia:

CHAPTER 37. REAL PROPERTY.

ARTICLE 6. LANDLORD AND TENANT.

§37-6-31. Exclusions from application of this article.

1 (a) For purposes of this Article, "squatter" means a person occupying a dwelling unit who
2 is not so entitled under a rental agreement or who is not authorized by the tenant to occupy that
3 dwelling unit. "Squatter" does not include a tenant who holds over in a periodic tenancy as
4 described in §37-6-5 of this code.

5 (b) Occupancy by a squatter is not governed by the provisions of this article.

6 (c) No Court of this state shall require the utilization of eviction, or a similar procedure such
7 as those found under the provisions of this chapter, by an owner in any instance involving the
8 removal of a squatter from possession of a property, and such removal shall not be unduly
9 hindered.

ARTICLE 3C. REMEDIES FOR SQUATTING.

§55-3C-1. Squatting defined; squatting synonymous with trespass.

1 (a) "Squatter" means a person occupying a dwelling unit or other structure who is not so
2 entitled under a rental agreement or who is not authorized by the tenant to occupy that dwelling
3 unit or structure. "Squatter" does not include a tenant who holds over in a periodic tenancy as
4 described in §37-6-5 of this code.

5 (b) "Squatting" means the act of being a squatter.


**§55-3C-2. Squatters not tenants; squatting constitutes criminal trespass; petition and
eviction not appropriate remedies for squatters; remedy is arrest for trespass.**

1 (a) Squatters are not considered tenants for purposes of this code.

2 (b) Squatting is synonymous with trespass, and is a criminal act under §61-3B-2 or §61-
3 3B-3 of this Code.

4 (c) No Court of this state shall require the utilization of eviction, or a similar procedure such
5 as those found under §55-3A-1, *et seq.* or §55-3B-1, *et seq.* of this Code, by an owner in any
6 instance involving the removal of a squatter from possession of a property.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.


.....
Clerk of the House of Delegates


.....
Clerk of the Senate

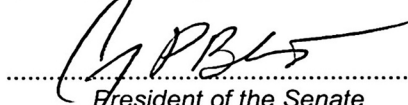
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

Originated in the House of Delegates.

In effect ninety days from passage.


.....
Speaker of the House of Delegates


.....
President of the Senate

The within is approved this the 22nd
Day of March, 2024.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 13 2024

Time 11:01 am