

# WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2434

BY DELEGATES HORNBY, MAYNOR, CROUSE, WILLIS,  
WARD, CHIARELLI, HOLSTEIN, FUNKHOUSER, AND KIMBLE

[Passed April 11, 2025; in effect 90 days from  
passage (July 10, 2025)]

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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HB 2434



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[Passed April 11, 2025; in effect 90 days from  
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SECRETARY OF STATE



1 AN ACT to amend and reenact §55-3C-1 and §55-3C-2 of the Code of West Virginia, 1931, as  
2 amended, and adding thereto the following new sections, designated §55-3C-3, §55- 3C-  
3 4, §55-3C-5, and §55-3C-6, all relating to squatting; establishing the Stop Squatters Act;  
4 providing a short title and findings; amending the definition of squatting and adding a  
5 definition for squatter; providing a limited alternative remedy to remove unauthorized  
6 persons from residential and commercial real properties; providing for the immediate  
7 removal by a law- enforcement agency upon request of the property owner of any person  
8 unlawfully occupying a residential dwelling or commercial building if certain conditions are  
9 met; providing a civil cause of action for wrongful removal; establishing misdemeanor and  
10 felony offenses for unlawfully occupying and intentionally damaging a residential dwelling  
11 or commercial building and providing penalties upon conviction thereof; establishing a  
12 misdemeanor offense for knowingly presenting a false document purporting to convey real  
13 property and providing penalties upon conviction thereof; and establishing a felony offense  
14 for any person who knowingly lists or advertises residential real property or a commercial  
15 building for sale or renting without legal title or authority and providing penalties upon  
16 conviction thereof

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 3C. STOP SQUATTERS ACT.**

### **§55-3C-1. Short title; findings.**

- 1 (a) This article shall be known and may be cited as the "Stop Squatters Act".
- 2 (b). The Legislature finds that the right to exclude others from entering and the right to  
3 direct others to immediately vacate a person's residential or commercial property are fundamental  
4 property rights.

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

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

5 (b) "Squatting" means the act of being a squatter. Squatting is synonymous with trespass,  
6 and is a criminal act under §61-3B-2 or §61-3B-3 of this Code.

7 (c) Squatters are not considered tenants for purposes of this code and are not entitled to  
8 eviction proceedings afforded to lawful tenants. A Court of this state shall not require the use of  
9 eviction, or a similar procedure such as those found under §55-3A-1, *et seq.* or §55-3B-1, *et seq.*  
10 of this Code, by an owner in any instance involving the removal of a squatter from possession of  
11 a property.

**§55-3C-3. Limited Alternative Remedy to Remove Squatter from Residential and Commercial Real Properties.**

1 (a) A property owner or their authorized agent may request, from any law-enforcement  
2 officer having authority to act in the jurisdiction where the subject property is located, the  
3 immediate removal of any person squatting in a residential dwelling or commercial building if the  
4 following conditions are met:

5 (1) The requesting person is the property owner or authorized agent;

6 (2) The real property includes a residential dwelling or commercial building;

7 (3) An unauthorized person or persons are unlawfully occupying the property;

8 (4) The property was not open to the public at the time of entry;

9 (5) The property owner or their authorized agent has directed the unauthorized person(s)

10 to leave;

(6) The unauthorized person is not current or former owners or current or former lawful tenants;

(7) The unauthorized person is not immediate family members of the property owner or tenants; and

(8) No pending litigation related to the subject property exists between the property owner and the unauthorized person(s).

(b) To request the immediate removal pursuant to this section, the property owner or authorized agent shall submit a completed and verified complaint to remove persons unlawfully occupying real property ("complaint") to a law-enforcement officer having authority to act in the jurisdiction of the subject property.

(c) Upon receipt of the complaint, the law-enforcement agency to which the complaint was submitted shall conduct preliminary fact-finding, which may include reviewing any alleged lease agreement, interviewing relevant individuals, and other relevant inquiries to ascertain the validity of the complaint. If the preliminary fact-finding indicates probable cause that the conditions outlined in subsection (a) of this section are met, then the law-enforcement agency shall serve a notice to immediately vacate upon the unlawful occupants and put the owner in possession of the real property.

(d) The law-enforcement agency is entitled to a fee for service of a notice pursuant to subsection (c) of this section. Upon serving the notice, the property owner or their authorized agent may request the law-enforcement agency to remove the unauthorized person if they do not vacate the property when ordered to do so or request that they remain at the property to ensure the safety of all parties during the removal of the person property of the unlawful occupants.

(e) This section does not limit any other property owner rights or the authority of law-enforcement.

**§55-3C-4. Criminal mischief; penalties.**

1 (a) A person who unlawfully occupies a residential dwelling or commercial building  
2 consistent with this article and as a result of the unlawful occupation causes damage to the real  
3 property, its fixtures, or personal property of the owner in an amount less than \$1,000 is guilty of  
4 a misdemeanor, and, upon conviction thereof, shall be confined in jail for a term not to exceed  
5 one year or fined not to exceed \$2,500, or both fined and confined.

6 (b) A person who unlawfully occupies a residential dwelling or commercial building  
7 consistent with this article and as a result of the unlawful occupation causes damage to the real  
8 property, its fixtures, or personal property of the owner in an amount more than \$1,000 in damages  
9 commits a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less  
10 than one nor more than 10 years, or in the discretion of the court be confined in jail not more than  
11 one year and fined not more than \$2,500.

**§55-3C-5. Making false statement to detain real property; false complaint; civil causes of action; immunity.**

1 (a) A property owner or their authorized agent who knowingly submits a complaint  
2 pursuant to this article in bad faith is subject to criminal prosecution for false swearing, and shall  
3 indemnify the law-enforcement agency and its agents for all costs and damages which may arise  
4 from a law-enforcement officer's good faith actions pursuant to this article.

5 (b) A civil cause of action for wrongful removal may be brought by a person who has been  
6 removed from a property pursuant to this article, with remedies including restoration of  
7 possession, actual costs, damages, and attorney fees.

8 (c) In a civil action against a law-enforcement officer or law-enforcement agency based on  
9 action taken pursuant to this article, any immunity authorized by this code or other applicable  
10 authority may be asserted.





**§55-3C-6. Fraudulent sale or lease of residential real property.**

1           Any person who knowingly lists or advertises residential real property or a commercial  
2 building for sale or renting without legal title or authority is guilty of a felony and, upon conviction  
3 thereof, shall be imprisoned in the penitentiary not less than one nor more than 10 years, or, in  
4 the discretion of the court, be confined in jail not more than one year and shall be fined not more  
5 than \$2,500.



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

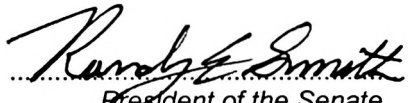
  
Clerk of the Senate

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Originated in the House of Delegates.

In effect 90 days from passage.

  
Speaker of the House of Delegates

  
President of the Senate

The within is Approved this the 29th  
Day of April, 2025.

  
Governor



PRESENTED TO THE GOVERNOR

APR 22 2025

Time 12:00 pm