

# What's the Deal With Squatters?



COHHIO  
Coalition on Homelessness  
and Housing in Ohio

## Squatting in Ohio

Some states have laws that allow people to claim ownership of abandoned property after occupying it for a certain amount of time. Ohio does not have squatters' rights. The "adverse possession" law requires someone to live openly and continuously in an abandoned property for 21 years before they can file suit to begin to take possession. To our knowledge, this has never happened.

## Media Hype

After an undocumented immigrant posted false information encouraging people to squat, exaggerated stories proliferated in social and traditional media about homeowners in other states losing their property to squatters. While squatting does occasionally occur, real cases almost always involve a property where an absentee landlord has effectively abandoned the building. A neglected building may seem relatively appealing to someone who would otherwise have to sleep on the streets.

## Squatter Legislation

In response to highly sensationalized media reports, some states like New York, Florida, and Georgia quickly passed legislation intended to prevent homeowners from losing their property to unauthorized occupants. Similar bills were introduced in the Ohio House (HB 478, HB 480) and the Ohio Senate (SB 241) to create severe new felony crimes and allow property owners to bypass the normal eviction process by having the sheriff immediately remove and arrest occupants with no due process.

## Unintended Consequences

There are many complex situations where this legislation could wrongfully allow the immediate eviction and arrest of lawful tenants. Disputes between renters and negligent landlords over unsafe or unsanitary conditions are quite common. Many tenants have verbal month-to-month agreements, but don't have a written lease. These bills could allow unscrupulous landlords to have the sheriff immediately evict these tenants and have them wrongly prosecuted for squatting. Similarly, this legislation could make it easier for out-of-state investors to buy an apartment complex in Ohio, quickly remove tenants, and raise the rent.

## Criminal Consequences

Ohio already has tough laws against breaking and entering, criminal trespassing, and vandalism that apply to crimes committed by squatters, but these bill would create new, extreme criminal charges. HB 480 would make occupying and damaging residential property a second-degree felony, like felonious assault and aggravated vehicular homicide. HB 478 would make it a fourth-degree felony, on par with vehicular assault and unlawful sexual misconduct with a minor. On the other hand, a property owner who fraudulently removes a resident would only face civil liability, assuming their former tenant could afford to sue them.

## A Better Solution

Ohio's 10,000s of abandoned and neglected residential properties are an open invitation to squatters. They are also an untapped opportunity to create affordable housing. Rather than criminalize the victims of the affordable housing crisis, Ohio should empower cities to identify and pursue absentee landlords to hold them accountable for maintaining their properties, and dramatically increase state funding to rehab and demolish abandoned and blighted properties.

<b>Updated August 2024</b>	<b>HB 478</b>	<b>HB 480</b>	<b>SB 241</b>
<b>Status</b>	Pending in House Criminal Justice Committee	Pending in House Criminal Justice Committee	Pending in Senate Judiciary Committee
<b>Standard for charge of Criminal Mischief</b>	Trespass upon a residential dwelling and intentionally cause damage to the dwelling	Trespass upon a residential dwelling and intentionally cause at least \$1,000 in damages to the dwelling	Trespass upon a residential dwelling and intentionally cause at least \$1,000 in damages to the dwelling
<b>Penalty for Criminal Mischief</b>	1st Degree Misdemeanor	5th Degree Felony for first offense, 4th Degree Felony for subsequent offenses	2nd Degree Felony
<b>Possible criminal mischief enhancement?</b>	Yes, to 4th Degree Felony if property damage exceeds \$5,000	No	No
<b>Penalty for presenting fraudulent lease, deed to retain possession of property</b>	1st Degree Misdemeanor	5th Degree Felony	1st Degree Misdemeanor
<b>Penalty for list or advertise real property with no legal title</b>	1st Degree Felony	4th Degree Felony	1st Degree Felony
<b>Penalty for rent or lease real property without legal title</b>	1st Degree Felony	1st Degree Felony	1st Degree Felony
<b>Emergency Clause</b>	No	Yes	No