

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.]

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.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor