

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 4940

By Delegates Crouse, Lucas, Winzenreid, Petitto,

Smith and Kimble

[Originating in the Committee on the Judiciary; Reported

on January 30, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section,
2 designated as §37-6-31; and to amend said Code by adding thereto a new article,
3 designated as §55-3C-1, §55-3C-2, and §55-3C-3; all relating to squatting and the
4 remedies therefor; defining a term; clarifying that squatting is a wrongful occupation of
5 property; 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; noting that squatting is the same as trespass; providing that squatters are not
8 tenants; clarifying that the remedy for squatting is arresting the trespassing squatter for the
9 crime of trespass; and providing that petition and eviction are not appropriate remedies to
10 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 is
2 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.

