

1 H.702

2 Introduced by Representative Dolgin of St. Johnsbury

3 Referred to Committee on

4 Date:

5 Subject: Crimes; trespass; residing on land or premises without authority;

6 removal of unauthorized occupants

7 Statement of purpose of bill as introduced: This bill proposes to prohibit a
8 person from entering and residing on the land or premises of another person,
9 knowing that there is no authority to do so. Violation of the prohibition is a
10 felony, with an enhanced penalty if the person causes greater than \$1,000.00 in
11 damages to the land or premises. The bill proposes to prohibit a person from
12 knowingly presenting a lease agreement containing false representations of
13 material facts regarding land or premises where the person intends to enter and
14 reside. The bill proposes to expand the expedited procedure for removing
15 unlawful occupants to include persons who, knowing there is no authority to
16 do so, enter and reside on the land or premises of another person.

17 An act relating to criminal trespass and residing on land or premises of
18 another person without authority

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. SHORT TITLE

3 This act may be cited as the “Vermont Squatter Reform Act.”

4 Sec. 2. 13 V.S.A. § 3705 is amended to read:

5 § 3705. UNLAWFUL TRESPASS

6 (a)(1) A person shall be imprisoned for not more than three months or fined
7 not more than \$500.00, or both, if, without legal authority or the consent of the
8 person in lawful possession, the person enters or remains on any land or in any
9 place as to which notice against trespass is given by:

10 (A) actual communication by the person in lawful possession or the
11 person’s agent or by a law enforcement officer acting on behalf of such person
12 or the person’s agent;

13 (B) signs or placards so designed and situated as to give reasonable
14 notice; or

15 (C) in the case of abandoned property:

16 (i) signs or placards, posted by the owner, the owner’s agent, or a
17 law enforcement officer, and so designed and situated as to give reasonable
18 notice; or

19 (ii) actual communication by a law enforcement officer.

20 * * *

1 (d) A person who enters a building other than a residence, whose access is
2 normally locked, whether or not the access is actually locked, or a residence in
3 violation of an order of any court of competent jurisdiction in this State shall
4 be imprisoned for not more than one year or fined not more than \$500.00, or
5 both.

6 (e) A person who enters a dwelling house, whether or not a person is
7 actually present, knowing that the person is not licensed or privileged to do so
8 shall be imprisoned for not more than three years or fined not more than
9 \$2,000.00, or both.

10 * * *

11 (g)(1) A person who enters the land or premises of another and resides on
12 the land or premises for any period of time, knowing that the person is not
13 licensed or privileged to do so, shall be imprisoned for not more than three
14 years or fined not more than \$2,000.00, or both.

15 (2) A person who violates subdivision (1) of this subsection and causes
16 greater than \$1,000.00 in damages to the land or premises shall be imprisoned
17 for not more than five years or fined not more than \$5,000.00, or both.

18 (3) As used in this subsection, “resides” means to inhabit or live on or
19 within the land or premises.

20 Sec. 3. 13 V.S.A. § 2033 is added to read:

21 § 2033. FRAUDULENT LEASES

1 A person who, with the intent to enter or reside on the land or premises of
2 another for any period of time, knowingly presents or causes to be presented a
3 document purporting to be a valid lease agreement for the land or premises that
4 contains false representations as to any material fact or that conceals a material
5 fact shall be imprisoned for not more than three years or fined not more than
6 \$2,000.00, or both.

7 Sec. 4. 12 V.S.A. § 4853b is amended to read:

8 § 4853b. UNLAWFUL OCCUPANT; EXPEDITED HEARING

9 (a)(1) In an action for ejectment, the landlord, the landlord's agent, or the
10 tenant may file a motion for a judgment that the plaintiff is entitled to
11 immediate possession of the premises on the grounds that:

12 (A) the defendant is a person that is occupying a dwelling unit
13 without right or permission and the written rental agreement for the dwelling
14 unit prohibits subleasing pursuant to 9 V.S.A. § 4456b(a)(2); or

15 (B) the defendant, knowing that there was no license or privilege to
16 do so, entered and is residing on the land or premises of another person.

17 (2) The motion may be filed and served with the complaint or at any
18 time after the complaint has been filed. The motion shall be accompanied by
19 an affidavit setting forth particular facts in support of the motion and a copy of
20 the lease agreement.

1 (b) A hearing on the motion shall be held any time after 10 days' notice to
2 the parties.

3 (c) At any time before the hearing, the defendant may oppose the motion
4 pursuant to Rule (7)(b)(6) of the Vermont Rules of Civil Procedure by filing an
5 affidavit, a signed written statement, or a memorandum in opposition to the
6 motion. The affidavit, signed written statement, or memorandum shall set
7 forth particular facts to show that a genuine dispute of fact exists in relation to
8 the motion.

9 (d)(1) If the defendant fails to appear for the hearing, or to file an affidavit,
10 signed written statement, or memorandum in opposition to the plaintiff's
11 motion, or has failed to file an answer in the time provided pursuant to Rule 12
12 of the Vermont Rules of Civil Procedure, the plaintiff shall be entitled to
13 judgment by default for immediate possession of the premises.

14 (2) If the court finds that the defendant is a person that is occupying the
15 dwelling unit without right or permission and the written rental agreement for
16 the dwelling unit prohibits subleasing pursuant to 9 V.S.A. § 4456b(a)(2), or
17 that the defendant, knowing that there was no license or privilege to do so,
18 entered and is residing on the land or premises of another person, the court
19 shall grant the plaintiff's motion and issue judgment in favor of the plaintiff for
20 immediate possession of the premises.

1 (e) If the court issues judgment in favor of the plaintiff pursuant to
2 subsection (d) of this section, the court shall, on the date judgment is entered,
3 issue a writ of possession directing the sheriff of the county in which the
4 property or a portion thereof is located to serve the writ upon the defendant
5 and, not sooner than five days after the writ is served, to put the plaintiff into
6 possession.

7 (f) At any time prior to the execution of the writ of possession, the
8 defendant may file an affidavit, signed written statement, or a motion with the
9 court setting forth facts demonstrating that the defendant is occupying the
10 premises lawfully. The court shall treat an affidavit, signed written statement,
11 or a motion filed under this subsection as a motion pursuant to Rule 59 or 60 of
12 the Vermont Rules of Civil Procedure, as appropriate.

13 Sec. 5. EFFECTIVE DATE

14 This act shall take effect on passage.