

Legislation Text

File #: 170827, **Version:** 1

Amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” Chapter 10-800, “Safety,” by adding a new Section 10-840, “Squatters,” establishing and clarifying procedures to remove squatters from real property, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 10 of The Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

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CHAPTER 10-800. SAFETY

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§ 10-840. *Squatters.*

(1) Legislative Findings.

(a) Any person who occupies the real property of another person without right; title, including by twenty-one (21) years of adverse possession of the real property under 42 P.A.C.S. §5530; payment of rent; permission of the actual current owner of said real property; or any other interaction with the current real owner of said real property that would indicate a relationship other than that of a trespasser upon said real property; in other words a “squatter,” is creating a condition that could erupt in violence endangering lives and promoting the prospect of injuries to persons and damage to properties, all of which poses a serious risk to the public health, safety and welfare.

(b) Squatters are trespassers and have no rights to occupy real property as against the rights of the current owner of said real property.

(c) Police are sometimes reluctant to remove squatters from real property because of confusion that Philadelphia may have a “squatters’ rights law.”

(d) Philadelphia does not have a “squatters’ rights law.”

(e) There is also confusion about whether squatters are tenants. They are not, and have none of the rights of tenants.

(f) As a matter of practical departure, not rights, squatters should be allowed time to remove their belongings and find alternative housing.

(2) Definitions.

(a) Squatter. A “squatter” is a person who occupies real property without right; title, including by twenty-one (21) years of adverse possession of the real property under 42 PA.C.S. §5530; the payment of rent; permission of the current actual owner of said real property; or any other interaction with the current real owner of said real property that would indicate a relationship other than that of a trespasser upon said real property.

(b) Real Property. For purposes of §10-840, “real property” shall not include a garden: a plot of ground exclusively used to cultivate herbs, fruits, flowers, or vegetables.

(3) Prohibited Conduct. No person shall occupy the real property of another person without right; title, including by twenty-one (21) years of adverse possession of the real property under 42 PA.C.S. §5530; payment of rent; permission of the actual current owner of said real property; or any other interaction with the current real owner of said real property that would indicate a relationship other than that of a trespasser upon said real property.

(4) Rebuttable Presumption. An owner of record of real property shall be presumed to be the actual current owner of the real property and a person who occupies said real property contrary to the will of the actual current owner is presumed to be a squatter for purposes of §10-840. This presumption is rebuttable by the person who occupies said real property if he or she can provide credible evidence that he or she occupies said real property with right; title, including by twenty-one (21) years of adverse possession of the real property under 42 PA.C.S. §5530; the payment of rent; permission of the current actual owner of said real property; or any other interaction with the current real owner of said real property that would indicate a relationship other than that of a trespasser upon said real property.

(5) Procedures. Once the actual current owner complains to the Police that a squatter is occupying his or her real property, the Police shall immediately notify the squatter that he or she must leave the property within forty-eight (48) hours of such notice. If the alleged squatter can show credible evidence why they should not be ejected from the real property under §10-840, then the matter shall be resolved by the decision of a court of competent jurisdiction under an expedited procedure within one (1) month of filing the complaint with said court. Under any such circumstances, the responding Police Officer(s) shall record the alleged squatters’ identifying information received by examining the alleged squatter’s legal identification.

(6) Penalty. The penalty for a violation of §10-840 shall be a fine of not more than three hundred (300) dollars or imprisonment of not more than ninety (90) days, or both.

(7) Repeat Offenses. Every day after a squatter is notified to vacate a property is a separate violation for purposes of §10-840, and is subject to a separate penalty without limit to the total number of violations and resulting total cumulative penalties.

SECTION 2. Effective Date. This Ordinance shall take effect January 1, 2018.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate matter added.