

Anti-Squatter Law (Act 2024-237) Summary

On June 1, 2024, Act 2024-237, also known as the “anti-squatter law,” took effect. The Act was introduced by Rep. Craig Lipscomb, and Gov. Kay Ivey signed it into law, as amended, on May 6, 2024. The Act amends sections of the criminal code regarding the crimes of burglary in the third degree and perjury in the second degree. The Act also adds the crime of fraudulent sale or lease of residential real property, a Class A Misdemeanor). Below are some of the most important features of the Act as it relates to municipal governments and local law enforcement.

Fraudulent Sale or Lease of Residential Real Property

- To be convicted of the crime of fraudulent sale or lease of residential real property, the following must be established: (1) a person lists or advertises residential real property for sale knowing that he or she or the purported seller has no legal title or authority to sell the property; or (2) a person rents or leases residential real property to another person knowing that he or she or the purported lessor has no legal ownership or other authority to lease the property.
- The record owner or the owner’s agent may request to have any unauthorized person removed from the “dwelling,” a building which is used or normally used by a person for sleeping, living or lodging therein, by submitting a sworn affidavit to law enforcement within the county where the dwelling is located. The elements of the required affidavit are included in the example at the end of this document.
- The affiant must also provide notice at the dwelling and shall include the street address of the law enforcement agency where the affidavit will be delivered. A copy of the notice with the date and time of delivery must be attached to the affidavit.
- Law enforcement must verify that the affiant on the affidavit is the record owner of the dwelling or the authorized agent of the record owner and otherwise appears entitled to relief. The Act does not specify a deadline for this procedure to be completed. However, law enforcement may charge up to \$50 to process the affidavit.
- Law enforcement must serve notice to immediately vacate the unauthorized individual(s) after at least 24 hours from receipt of the affidavit, and upon verification of the above step. Service can be either hand delivery to those illegally occupying the dwelling or by posting notice on the front door. Law enforcement must also attempt to identify all occupants of the dwelling.
- Law enforcement may arrest any individual found in the dwelling for trespassing, burglary, theft, or any other criminal act, as well as for an outstanding warrant.
- Law enforcement, as well as municipalities, enjoy state immunity from any acts or omissions made in good faith during the execution of this Act.
- The term “squatter” is defined as a person occupying a dwelling who is not entitled to occupy the dwelling under a lease or rental agreement nor authorized by a tenant to occupy the dwelling. The term does not include a tenant who holds over in periodic tenancy as described in Section 35-9A-441, Code of Alabama 1975. Thus, normal legal tenant-landlord relationships are excluded from this Act.
- Burglary in the third degree now can be established by proving the following element: He or she knowingly enters or remains unlawfully in a dwelling and intentionally causes one thousand dollars (\$1,000) or more in damage to the dwelling. Section 13A-7-7(a)(4), Code of Alabama 1975.
- Perjury in the second degree now can be established by proving the following element: An individual knowingly presents a false document purporting to be a lease agreement, deed, or other instrument conveying or providing a right to or in real property to another person with the intent to civilly detain or to remain upon the real property. Section 13A-10-102(a)(2), Code of Alabama 1975.



Sample Affidavit (Provided within the Act)

Affidavit to Remove an Individual Unauthorized to Occupy A Dwelling

I, the owner, or authorized agent of the owner, of the dwelling located at _____ declare under the penalty of perjury that:

1. I am the owner of the dwelling or the authorized agent of the owner of the dwelling.
2. The real property is a dwelling.
3. An unauthorized individual has unlawfully entered or remained in the dwelling.
4. The unauthorized individual is not a tenant, a holdover tenant, or an immediate family member of the owner, and any lease that may be produced by the unauthorized individual is fraudulent.
5. The unauthorized individual does not have an ownership interest in the property and is not listed on the title to the property unless the individual has engaged in title fraud.
6. There is no litigation related to the dwelling pending between the owner, or his or her agent, and any unauthorized individual.
7. Notice was provided by hand delivery to the unauthorized individual occupying the dwelling or by posting notice on the front door or entrance of the dwelling, and evidence of the notice, including the date and time of delivery, is attached.
8. I understand that an individual removed from the property pursuant to this affidavit may bring a cause of action against me for any false statements made in this affidavit, or for wrongfully using this procedure, and that, as a result of such action, I may be held liable for actual damages, penalties, costs, and reasonable attorney fees.
9. I am requesting law enforcement to remove, as soon as possible, the unauthorized individual from the dwelling.
10. A copy of my valid government-issued identification is attached, or I am an agent of the property owner, and documents evidencing my authority to act on the property owner's behalf are attached.

I have read and assert the truth of every statement made in this affidavit. I understand that my statements in this affidavit are being made under penalty of perjury as provided in Section 13A-10-9, Code of Alabama 1975.

[Signature of Property Owner or Agent of Property Owner]: _____

[Contact Information of Property Owner or Agent of Property Owner]: _____

Act 2024-237, went into effect June 1, 2024.

For a copy of the law,
visit: <https://arc-sos.state.al.us/ucp/L1540462.A11.pdf> or scan the QR code.

