

Michigan Communities and Squatting: What You Need to Know

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Michigan Vacant Property Campaign

MichiganVacantProperty.org



What is squatting?

Squatting is taking up residence in a property and living on the property without the owner's permission.ⁱ Squatting is also called "illegal occupancy."

A squatter is a type of trespasser. A trespasser is someone who enters land owned by someone else without permission.ⁱⁱ A squatter is someone who not only enters land without permission but takes up residence there illegally.ⁱⁱⁱ People regularly living in or using a property without permission are squatting.^{iv} However, some occupants living in vacant homes may not be squatting if they have a legal claim or connection to the property.

How do I know if someone is squatting?

Many people living in vacant homes are not squatting.

People living in vacant homes are not squatting if they have a legal claim or connection to the property giving them the right to remain. Some examples include: homeowners facing foreclosure while foreclosure is in progress and tenants fighting improper evictions.^v

People who have the right to enter the property:

Owners Tenants Guests

People Who May Have the Right to Enter the Property:

- Homeowners facing mortgage or tax foreclosure before the foreclosure process is complete and before the redemption period ends (deadline to reclaim the home)^{vi}
- Tenants behind in paying rent living in the home without being given notice of eviction by the landlord^{vii}
- Tenants living in the home during the eviction process or before the legal eviction deadline^{viii}

People Who Do Not Have the Right to Enter the Property:

- Trespassers using or living on the property without owner permission or paying rent^{ix}
- Former homeowners living in mortgage or tax-foreclosed homes after the redemption period (deadline to reclaim the home)^x
- Tenants using or living in a home without permission after it is sold by the owner (or disposed of by will or probate)^{xi}
- Tenants using or living in a home after being legally evicted and after the deadline for leaving the home^{xii}
- Tenants or guests asked to leave after causing physical injury to another person^{xiii}
- Tenants leasing from a third party who falsely claims to be the owner without permission from the true owner (victims of this type of rental scam are still trespassers under the law)

DISCLAIMER This material should be used as a reference only. It is not a substitute for legal advice. The law changes frequently. The information provided may not apply to your specific set of facts or circumstances. If you require legal advice, please consult your attorney. Nonprofit organizations are encouraged to contact Michigan Community Resources to apply for pro bono legal assistance.

Why are communities concerned about squatting?

Squatting can contribute to quality of life problems in many communities.

People living illegally in vacant homes can create nuisances for neighbors or invite criminal activity. Illegal occupants breaking into vacant homes or living in them without utilities degrade conditions in the home. Properties lose value as they fall into disrepair, and reduced property values can contribute to overall neighborhood decline.

Does squatting always create neighborhood problems?

Not all squatting negatively impacts the community.

Homes appearing occupied are less likely to attract unwanted or criminal activity. Occupants may prevent properties from falling into decline. Living in a vacant home can also be a temporary solution for homeless or transient people needing shelter.

Is squatting a crime? Yes.

	Definition	Criminal Charges
Trespass	A person commits criminal trespass upon entering land without owner permission and after being asked to leave or given a trespass warning. ^{xiv}	Criminal trespass is a misdemeanor with a possible jail sentence of up to 30 days and a fine of up to \$250 . ^{xv}
Squatting	A person commits criminal illegal occupancy or squatting when taking up residence in a home without owner permission or legal rights to the property. ^{xvi}	<p>As a first offense, squatting is a misdemeanor with a jail sentence of up to 180 days and a fine of up to \$5,000.^{xvii}</p> <p>As a multiple offense, squatting is a felony with a jail sentence of up to 2 years and a fine of up to \$10,000.^{xviii}</p>

Can a squatter become the owner of a home just by living in the home?

Yes, but very rarely.

Adverse possession is the legal name for a property law often called “squatter’s rights.”^{xxix} This law allows illegal occupants to become legal owners of a property after using and maintaining it for many years. It is extremely rare for people to take ownership this way, because the law’s conditions are so difficult to meet.

In Michigan, an illegal occupant (squatter) must live on a property for 15 years and meet other criteria before ownership rights may transfer.^{xx}

When an occupant claims to have “squatters rights,” can the owner ask them to leave?

Yes, in most situations.

Most occupants claiming “squatter’s rights” are unaware of the strict requirements for taking property under the law, including maintaining occupancy for 15 years. When the occupant’s only property claim is adverse possession, the true owner can ask the squatter to leave at any time before the 15-year period has expired.^{xxi}

How does an illegal occupant become the property owner by adverse possession?

Requirements for Taking Property by Adverse Possession:

- The occupant lived in or used the property for a 15 year period without interruption^{xxii}
- The true owner did not give permission to the occupant to live in or use the property, as a tenant or guest, during the 15 year period^{xxiii}
- The true owner did not reclaim the property from the occupant during the 15 year period or make another effort to retake possession of the property^{xxiv}
- The occupant used the property like the true owner would use it and represented herself to the community as the true owner^{xv}
- The occupant used and cared for the property openly in a way the true owner would reasonably notice (e.g. made home improvements and maintained the exterior)^{xxvi}

Can property owners remove illegal occupants without the help of police of law enforcement?

Yes, within limits if the person is truly a squatter.

Under a new Michigan law, property owners can take independent steps independently to remove or evict squatters.^{xxvii} These tactics cannot be used unless the occupant is a squatter. When the occupant has another type of property claim (e.g., former homeowner or prior tenant) these actions may be considered illegal, and the owner may be liable for damages.^{xxviii}

A property owner should consult an attorney before taking or attempting to take any of these steps, as the circumstances are different in each case. Any actions by a property owner must be taken peaceably. A property owner may not threaten or physically remove the occupant or engage others to threaten or physically remove the occupant.

An owner may be able to take the following steps to remove a squatter from a home, depending on the circumstances:^{xxix}

- Ask the squatter to leave the premises within a certain amount of time
- Advise the squatter that legal action will be taken if they do not leave the premises within a certain amount of time
- When the squatter is absent, block entryways to the property by changing locks or boarding windows and doors
- Create barriers to entering the property by putting up fences or other obstacles.

What are some legal claims an illegal occupant may have to the property?

If the truth of this legal claim is unclear, the owner may take legal action to prove her ownership. If the owner's legal action is successful, law enforcement can evict the occupant under a court order.^{xxx}

Types of claims to property include:

Owner Permission

Even when a home is in disrepair, the owner can give a tenant or guest permission to live there. It's unclear in many situations whether the owner has given permission to the occupant. Contacting the owner of record directly or through her property management company can be helpful to determine whether the occupant has a right to remain.

Current or Former Tenants

It's often unclear whether a squatter is a former or current tenant. Sometimes unscrupulous landlords wrongfully or illegally evict tenants by falsely claiming lease or property use violations. In Michigan, tenants must be evicted by a legal process presenting both sides of the dispute in court. Unlike squatters, tenants may not be removed "by force" before this process is complete (examples include removing tenants' possessions from the premises or by changing locks).^{xxxi}

Former Owner

When occupants are former homeowners, they may have the right to remain in the home. When a home enters tax or mortgage foreclosure, the owner can halt the process by paying what is owed and reclaiming the property.^{xxxii}

How do property owners take legal action to remove squatters?

Only property owners can press criminal charges for trespass or squatting. Only property owners can sue in civil court to remove illegal occupants from a property. The easiest and best solution for community groups is to contact property owners and work with them to monitor properties and secure them when possible.

Legal action to remove illegal occupants:

One: Ask occupants to leave and give a trespass warning

Owners, management companies or police can speak with occupants directly and ask them to leave. This conversation should include directly informing occupants they are trespassing. Alternatively, owners can post “no trespassing” signs on property to deter occupants or post notices on property to alert any current occupants.

Two: Report Criminal Trespass or Squatting to Police

Owners or community members may report criminal trespass to police if occupants refuse to leave property or return to property after a warning is given. Police can then visit the property and ticket or arrest the occupants for criminal trespass or illegal occupancy (squatting). If a property owner reports the criminal trespass and can provide evidence of ownership (e.g., a deed), law enforcement may be able to remove occupants from the site. This will depend on specific circumstances and jurisdiction.

Three: File a Legal Action

Before taking any legal action, property owners should consult with an attorney. Legal action may be necessary if occupants claim the legal right to live in the home and the truth of the claim is unclear. Legal action also provides occupants with the opportunity to present evidence of the claim in court. If the court decides the occupants have no valid legal claim to the property, the court will issue an eviction order. Under this order, law enforcement can remove the occupants.^{xxxii} Once occupants leave, it is recommended that owners re-record deed and title to the property.

Can community members sue to remove squatters? No.

Community Strategies to Discourage Squatters

The best solution for community groups to deter illegal occupants from living in nearby vacant homes is by contacting property owners and working with them to monitor properties. Community groups acting as the “eyes and ears” of a neighborhood can effectively discourage squatters from taking up residence and taking part in other types of activities that may harm community quality of life.

Engage with the occupants using the home

- Decide whether your neighborhood group wants to interact with the occupants of the property
- If community members are comfortable, neighborhood representatives can contact occupants as they move in. Community members can discourage bad behavior by communicating expectations about maintaining a safe and quiet community as part of these “welcome” conversations

Identify and Contact the Owner to Resolve the Problem

- Find out who is responsible for property maintenance and management
- The property owner is always responsible for addressing and resolving any problems occurring on the property. Contact the property owner and report that there may be occupants illegally using or living the property. Ask whether the current occupants have permission to use the property. Report any concerns you have about the property and ask that they be resolved
- Look up the owner of record using local tax records or your county register of deeds. These records are the best source of information. If the property is owned by a company, look up the company by name using a business entity search. Contact the resident agent to report concerns

Contact the Property Management Company or Maintenance Servicer for the Property

Many banks, public entities and private individuals contract with property management companies to maintain properties. Contact the maintenance company listed on any sign or notice on the property. Request that the company make a site visit to check on the property. Upon finding people illegally using the property, many servicers will contact police to warn away or arrest the trespassers. When occupants leave, servicers may remove the belongings of the occupants, change the locks, and secure the building.

Post a No Trespassing Sign on the Property with Owner Permission

Ask the owner to post a “No Trespassing” sign on the property. If appropriate, ask the owner if your community group may post the sign on the owner’s behalf.

“The easiest thing [to deter squatters] is to “catch” everybody moving in; welcome them to the neighborhood, talk about what a quiet neighborhood it is and so on. It’s amazing how engaged neighbors can scare squatters away.”

- Mary Jo Smith, University District Citizens’ Radio Patrol, Detroit

If the owner has been contacted and is unresponsive:

Persistent neighbors may be able to compel a negligent property owner to act after several attempts if only to avoid additional complaints or liability. Contact the property owner again, and present the issue as a neighborhood safety concern. Discuss how the owner may be liable if someone is injured or criminal activity takes place on the property.

Contact Law Enforcement

If the property owner is unresponsive, community members can contact police to report illegal behavior. Community groups must maintain good relationships with local law enforcement; a healthy relationship makes it more likely that police will respond when needed.

Working with the Police

Community members can report:

- Criminal trespass
- Nuisance activity
- Criminal activity
- Code violations

Call the police as soon as you suspect people are illegally using the property. Often it is easier for police to take action when occupants have just moved in than weeks or months later. When police arrive, coordinate with neighbors to provide accounts of activity at the home and descriptions of any people involved. Provide this information to the owner as well.

Request that local police regularly watch properties where suspected illegal occupants live. Police may discourage unwanted occupants by maintaining an ongoing presence.

Involve Local Government and Public Authorities

Government and Law Enforcement contacts can include:

- Municipal code enforcement departments
- County property tax authorities
- Mayoral and city council offices

Request that municipal inspectors view the property and record violations

Property owners have a legal obligation to maintain their properties. If a building is poorly maintained, code violation tickets may get the attention of the property owner.

Identify open and dangerous buildings

When a property is open and dangerous, municipal inspectors can order it to be boarded. Buildings may be open and dangerous if certain severe conditions are present such as rats, standing water, collapsing structures or fire damage.

Contact local utility companies to report illegal connections

Neighbors cannot request disconnection of utilities for vacant properties. Neighbors may, however, report suspected illegal use of utilities on a property. The utility company can send a service provider to the site to determine whether utilities are being used improperly and terminate them when appropriate.

When a property is for sale or being sold

Contact the realtor to find out the status of the property. Ask the realtor for a sale timeline if possible, and contact information for the property management company responsible for maintenance during the sale period. Verify a rental or sale with the realtor as soon as the property becomes occupied. Report suspected trespassing or illegal occupancy to the realty company.

Endnotes:

- ⁱMCL § 600.5711(1)(effective Sept. 24, 2014); MCL § 750.553(1)(effective Sept. 24, 2014).
- ⁱⁱMCL § 600.5711(1)(effective Sept. 24, 2014); MCL § 750.552(1)(a)(b).
- ⁱⁱⁱMCL § 600.5711(1)(effective Sept. 24, 2014); MCL § 750.553(1) (effective Sept. 24, 2014).
- ^{iv}Id.
- ^vMCL 600.3140(1); MCL 600.3240(1); MCL § 600.5744(1),(6),(7); MCL § 600.5720(1)(a)-(g),(2).
- ^{vi}MCL 600.3140(1); MCL 600.3240(1); MCL § 600.5744(1),(6),(7).
- ^{vii}MCL § 600.5714 (1)(a)(c)(i), (1), (4); MCL § 600.5744(1),(4).
- ^{viii}Id.
- ^{ix}MCL 600.5711(1)(effective Sept. 24, 2014); MCL § 750.552(a) (b)(effective Sept. 24, 2014).
- ^xMCL 600.3140(1);MCL 600.3240(1); MCL § 600.5744(1),(6),(7).
- ^{xi}MCL § 600.5714(1)(g),(h) (effective Sept. 24, 2014).
- ^{xii}MCL § 600.5714(1)(a),(c)(1) (effective Sept. 24, 2014).
- ^{xiii}MCL § 600.5714(1)(e) (effective Sept. 24, 2014).
- ^{xiv}MCL §600.5711(1)(effective Sept. 24, 2014); MCL § 750.552(1)(effective Sept. 24, 2014).
- ^{xv}MCL § 750.552(3)(effective Sept. 24, 2014).
- ^{xvi}MCL § 750.553(1)(effective Sept. 24, 2014).
- ^{xvii}MCL § 750.553(1)(a)(effective Sept. 24, 2014).
- ^{xviii}MCL § 750.553(1)(b)(effective Sept. 24, 2014).
- ^{xix}MCL § 600.5321(1).
- ^{xx}MCL § 600.5321(1); MCL § 600.5801(4).
- ^{xxi}MCL § 600.5711(3)(effective Sept. 24, 2014); MCL § 600.5801(4); MCL § 600.5821(1); MCL § 600.5829(1).
- ^{xxii}MCL § 600.5321(1); Canjar v. Cole, 283 Mich. App. 723, 731, 770 N.W.2d 449, 454 (2009).
- ^{xxiii}Canjar v. Cole, 283 Mich. App. 723, 731, 770 N.W.2d 449, 454 (2009).
- ^{xxiv}MCL § 600.5801(4); MCL § 600.5821(1).
- ^{xxv}Canjar v. Cole, 283 Mich. App. 723, 731, 770 N.W.2d 449, 454 (2009).
- ^{xxvi}Id.
- ^{xxvii}MCL § 600.5711(3); MCL § 600.2918(1)(3)(5)(effective Sept. 24, 2014); MCL § 600.5714(1)(f)(effective Sept. 24, 2014).
- ^{xxviii}MCL § 600.2918(1)(2)(a)-(g)(effective Sept. 24, 2014); MCL § 600.5711(1),(2)(effective Sept. 24, 2014).
- ^{xxix}MCL § 600.2918(1)(2)(a)-(g),(3),(5)(effective Sept. 24, 2014); MCL § 600.5711(3)(effective Sept. 24, 2014); MCL § 600.5714(f)(effective Sept. 24, 2014).
- ^{xxx}MCL § 600.2918(1),(5)(effective Sept. 24, 2014); MCL § 600.5744(1)(2)(d)(1979).
- ^{xxxi}MCL § 600.2918(1)(2)(a)-(g)(effective Sept. 24, 2014); MCL § 600.5711(1),(2)(effective Sept. 24, 2014).
- ^{xxxii}MCL 600.3140(1); MCL 600.3240(1); MCL § 600.5744(1),(6),(7).
- ^{xxxiii}MCL § 600.5714(1)(f)(effective Sept. 24, 2014); MCL § 600.5744(1),(2)(f)(1979).

Michigan Vacant Property Campaign (MVPC) Partners

The Michigan Vacant Property Campaign exists to efficiently and effectively meet the needs of leaders in the state who are committed to turning the vacant properties in their communities into assets. The MVPC is a collaboration between four organizations with unique expertise related to vacant property issues:

