



TEXAS COMMISSION ON LAW ENFORCEMENT

Technical Assistance Bulletin

To: All Texas Licensees
From: Greg Stevens, Executive Director
Regarding: Criminal Offenses Related to Squatting
Date: April 11, 2024

Recent media reports across the country have highlighted criminal conduct referred to as “squatting,” and you may have questions about how to enforce Texas law against criminals committing such conduct. Short term squatting is illegal in Texas and is a crime that must be enforced to protect the safety, rights, and personal property of Texans. This Technical Assistance Bulletin contains existing tools our licensed peace officers and telecommunicators have to respond to these situations in a legal and efficient way.

When a peace officer or telecommunicator receives information that a person has moved into or is occupying real estate property without the effective permission, or previous effective permission, of the owner, especially where forced entry or apparent property damage has occurred or is alleged, then further investigation is necessary to determine if criminal charges are appropriate.

In the absence of clear information or documentation indicating that a landlord/tenant relationship exists (e.g., that a property owner has allowed another person to establish even short-term residency, the existence of a written lease even if expired, etc.), these types of disputes may often be criminal rather than civil in nature. Evidence of ownership or residence may include tax records, local law enforcement records, Child Protective Services records, mail, identification addresses, etc.

Licensees should enforce the law, including Texas Penal Code 30.05 (criminal trespass), 30.02 (burglary), and 28.03 (criminal mischief), Texas Property Code Chapter 24 (forcible entry and detainer), as well as any other relevant laws, local ordinances, and agency policies as the situation merits.

Please refer to the applicable statutes referenced above, which are attached to this bulletin.

Applicable Statutes

Texas Penal Code Sec. 30.05. CRIMINAL TRESPASS. (a) A person commits an offense if the person enters or remains on or in property of another, including residential land, agricultural land, a recreational vehicle park, a building, a general residential operation operating as a residential treatment center, or an aircraft or other vehicle, without effective consent and the person:

- (1) had notice that the entry was forbidden; or
- (2) received notice to depart but failed to do so.

Full statute: [PENAL CODE CHAPTER 30. BURGLARY AND CRIMINAL TRESPASS \(texas.gov\)](#)

Texas Penal Code Sec. 30.02. BURGLARY. (a) A person commits an offense if, without the effective consent of the owner, the person:

- (1) enters a habitation, or a building (or any portion of a building) not then open to the public, with intent to commit a felony, theft, or an assault; or
- (2) remains concealed, with intent to commit a felony, theft, or an assault, in a building or habitation; or
- (3) enters a building or habitation and commits or attempts to commit a felony, theft, or an assault.

Full statute: [PENAL CODE CHAPTER 30. BURGLARY AND CRIMINAL TRESPASS \(texas.gov\)](#)

Texas Penal Code Sec. 28.03. CRIMINAL MISCHIEF. (a) A person commits an offense if, without the effective consent of the owner:

- (1) he intentionally or knowingly damages or destroys the tangible property of the owner;
- (2) he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
- (3) he intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.

Full statute: [PENAL CODE CHAPTER 28. ARSON, CRIMINAL MISCHIEF, AND OTHER PROPERTY DAMAGE OR DESTRUCTION \(texas.gov\)](#)

Texas Property Code Sec. 24.001. FORCIBLE ENTRY AND DETAINER. (a) A person commits a forcible entry and detainer if the person enters the real property of another without legal authority or by force and refuses to surrender possession on demand.

(b) For the purposes of this chapter, a forcible entry is:

- (1) an entry without the consent of the person in actual possession of the property;
- (2) an entry without the consent of a tenant at will or by sufferance; or
- (3) an entry without the consent of a person who acquired possession by forcible entry.

Full statute: [PROPERTY CODE CHAPTER 24. FORCIBLE ENTRY AND DETAINER \(texas.gov\)](#)