

SENATE, No. 3613

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 16, 2023

Sponsored by:

Senator DOUGLAS J. STEINHARDT

District 23 (Hunterdon, Somerset and Warren)

Senator MICHAEL L. TESTA, JR.

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Criminalizes unlawful occupancy of dwellings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2023)

1 AN ACT concerning unlawful occupancy of dwellings and
2 supplementing Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. As used in this act:

8 “Dwelling” means a structure or part thereof that is designed or
9 intended for occupancy as a residence or sleeping place.

10 “Forcibly enters” means an entry involving an act of physical
11 force resulting in damage to the structure; or the changing or
12 manipulation of a lock to gain access.

13 b. A person who forcibly enters an uninhabited or vacant
14 dwelling knowing or having reason to believe that such entry is
15 without permission of the owner of the dwelling or an authorized
16 representative of the owner, with the intent to take up residence or
17 provide a residency to another therein, is guilty of housebreaking.

18 A person is presumed to know that an entry described in
19 subsection b. of this section is without the permission of the owner
20 of the dwelling or an authorized representative of the owner unless
21 the person provides a written rental agreement that:

22 (1) Is notarized or signed by an authorized agent of the owner;
23 and

24 (2) Includes the current address and telephone number of the
25 owner or the owner’s authorized representative.

26 c. Housebreaking is a crime of the fourth degree.

27
28 2. a. A person who takes up residence in an uninhabited or
29 vacant dwelling and knows or has reason to believe that such
30 residency is without permission of the owner of the dwelling or an
31 authorized representative of the owner is guilty of unlawful
32 occupancy.

33 b. A person is presumed to know that the residency described in
34 subsection a. of this section is without the permission of the owner
35 of the dwelling or an authorized representative of the owner unless
36 the person provides a written rental agreement that:

37 (1) Is notarized or signed by an authorized agent of the owner;
38 and

39 (2) Includes the current address and telephone number of the
40 owner or the owner’s authorized representative.

41 c. Unlawful occupancy is a crime of the fourth degree.

42
43 3. A person commits unlawful reentry, a crime of the fourth
44 degree, if:

45 a. An owner of real property has recovered possession of the
46 property from the person pursuant to court order; and

47 b. Without the authority of the court or permission of the owner,
48 the person reenters the property.

1 4. This act shall take effect on the first day of the sixth month
2 following enactment.

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STATEMENT

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7 This bill would criminalize unlawful occupancy of a dwelling,
8 also known as “squatting.” Currently, squatting is not a criminal
9 act. In order to lawfully evict a squatter, the owner of the property
10 must apply to the court for a writ of possession.

11 This bill would create three criminal offenses: housebreaking,
12 unlawful occupancy, and unlawful reentry. They would be crimes of
13 the fourth degree.

14 HOUSEBREAKING. Under the bill, a person who forcibly enters
15 an uninhabited or vacant dwelling knowing or having reason to
16 believe that such entry is without permission of the owner of the
17 dwelling or an authorized representative of the owner, with the
18 intent to take up residence or provide a residency to another therein,
19 would be guilty of housebreaking.

20 The bill provides that a person is presumed to know that an entry
21 is without the permission of the owner of the dwelling or an
22 authorized representative of the owner unless the person provides a
23 written rental agreement that is notarized or signed by an authorized
24 agent of the owner and includes the current address and telephone
25 number of the owner or the owner’s authorized representative.

26 UNLAWFUL OCCUPANCY. The bill provides that a person who
27 takes up residence in an uninhabited or vacant dwelling and knows
28 or has reason to believe that such residency is without permission of
29 the owner of the dwelling or an authorized representative of the
30 owner is guilty of unlawful occupancy. A person is presumed to
31 know that the residency is without the permission of the owner or
32 an authorized representative unless the person provides a written
33 rental agreement that is notarized or signed by an authorized agent
34 of the owner, and includes the current address and telephone
35 number of the owner or the owner’s authorized representative.

36 UNLAWFUL REENTRY. The bill provides that a person commits
37 unlawful reentry if an owner of real property has recovered
38 possession of the property from the person pursuant to a court order
39 and, without the authority of the court or permission of the owner,
40 the person reenters the property.

41 A crime of the fourth degree is punishable by a term of
42 imprisonment of up to 18 months, a fine of up to \$10,000, or both.