

Committee on Judiciary

CS/HB 903 — Adverse Possession

by Civil Justice Subcommittee; and Rep. Davis and others (CS/SB 1166 by Judiciary Committee; and Senator Bradley)

This bill addresses the problem of individuals squatting illegally on property while preserving adverse possession actions for legitimate purposes.

The bill adds new requirements that a person must satisfy to take title to property through adverse possession. One such requirement is that the person pays all outstanding taxes against the property within 1 year after entering into possession. Additionally, the form of the return a person must file in connection with an adverse possession claim is revised. The form requires a person to acknowledge that the return “does not create any interest enforceable by law” in the property.

The bill subjects a person to criminal penalties for trespassing if the person attempts to occupy or occupies a residential structure on the basis of adverse possession before filling a return with the property appraiser. If the person attempts to occupy a residential structure by claim of adverse possession before filing a return and then offers the property for lease, the bill subjects the person to criminal penalties for theft.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 37-0; House 117-0