

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 448 (Umberg)
Version: April 9, 2025
Hearing Date: April 29, 2025
Fiscal: Yes
Urgency: No
ID

SUBJECT

Trespassing: removal of trespassers on residential property

DIGEST

This bill creates a process by which a property owner may forcibly remove a squatter or unauthorized person from their property.

EXECUTIVE SUMMARY

In order to tackle the issue of squatters who illegally reside on a property owner's property, SB 448 creates a process through which a property owner may remove a squatter with the assistance of law enforcement. SB 448 would apply only to property owners who have filed a specified, notarized request for assistance from law enforcement for a period of time for property that is a fire hazard, from which the owner is absent, or is closed to the public, as specified. SB 448 would permit such a property owner to serve the unauthorized person on their property with a demand to vacate that demands the person vacate the property within 72 hours. It would allow the property owner to make a request to remove an occupant to the local law enforcement agency for the area of the property after this 72-hour period. If the law enforcement agency determines that the request is valid, it must remove the unauthorized occupants of the property without reasonable delay. SB 448 would provide that a person who fraudulently causes or attempts to cause the removal of another person from property under these provisions is guilty of a crime punishable by imprisonment in a county jail for up to one year. It also permits an occupant removed due to a property owner who acted fraudulently or in bad faith to file a civil action for restoration of possession, damages equal to three months' rent, expenses incurred due to the removal, and for reasonable attorney's fees. SB 448 is sponsored by the California Rental Housing Association, and is supported by a variety of apartment, property, and law enforcement associations, and the City of Corona, and is opposed by numerous civil and tenant's rights groups. It previously passed out of the Senate Public Safety Committee by a vote of 6 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Makes the refusal or failure to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, when requested to leave by a peace officer or the property owner or person in lawful possession, the misdemeanor crime of trespassing. (Pen. Code § 602(o).)
- 2) Prohibits a landlord, with the intent to terminate the occupancy of a tenant under any lease or other tenancy or estate at will, to willfully cause the interruption or termination of any utility service furnished to the tenant, or to willfully prevent the tenant from gaining reasonable access to the property by changing the locks or using a bootlock or any other similar method or device, removing outside doors or windows, or by removing from the premises the tenant's personal property, furnishings, or any other items without the written consent of the tenant, as provided. (Civ. Code § 789.3.)
- 3) Makes it unlawful for a landlord to do any of the following for the purposes of influencing a tenant to vacate a dwelling: engage in the conduct of theft; extort a tenant; use or threaten to use force, willful threats, or menacing conduct interfering with a tenant's quiet enjoyment of the premises; intentionally commits a significant violation of the laws regarding when a landlord may enter the leased premises; or threaten to disclose a tenant's immigration status or citizenship. Makes a tenant who prevails against a landlord for such actions entitled to a civil penalty of \$2,000. (Civ. Code § 1954.)
- 4) Provides for a summary proceedings process by which a landlord may initiate an unlawful detainer action to recover possession of their property from a tenant, specifying an expedited time period within which a tenant must answer the complaint, the notice required to be provided the tenant of such a proceeding, and the process by which a default judgment may be requested and entered by the judge when a tenant fails to respond, among other provisions. (Code Civ. Proc. §§ 1159 et seq.)
- 5) Requires entry of default and default judgment against the defendant in an unlawful detainer action if they fail to appear and defend against the unlawful detainer action, if upon written application of the plaintiff with proof of service of the summons and complaint. Provides that the court must issue a writ of execution, and thereafter the plaintiff may apply to the court for any other relief demanded in the complaint, including costs. (Code Civ. Proc. 1169.)
- 6) Specifies that a judgment for possession of real property for a plaintiff landlord may be enforced by a writ of possession, which must be served on the occupant of the

property, and that, if the occupant does not vacate the premises within five days of service of the writ of possession, law enforcement may forcibly remove the tenant. (Code Civ. Proc. § 715.020.)

This bill:

- 1) Specifies that, if a property owner has previously filed a notarized request for assistance from law enforcement for their property for no more than a twelve-month period due to it being vacant, a fire hazard, or closed to the public, the property owner may serve a demand to vacate on a squatter on the property.
- 2) Specifies that the demand to vacate must: include a heading, as specified; be addressed to all unauthorized persons in possession of the premises; include the mailing address and assessor's parcel number of the property; include the name and contact information of the property owner; and include a statement that the occupant is trespassing, and must vacate the premises within 72 hours.
- 3) Requires the demand to vacate be served upon the unauthorized person by either personal delivery to any occupant above 18 years of age, or by posting it conspicuously on the property and mailing a copy to the address of the property by first-class mail.
- 4) Permits the property owner to file, no sooner than 72 hours after serving the demand to vacate, a request for removal of the occupants with the local law enforcement agency having primary jurisdiction over the property's location.
- 5) Specifies that this request for removal must include:
 - a) a written request for the removal of the unauthorized persons on the property;
 - b) the street address and assessor's parcel number of the property;
 - c) the name and contact information of the person making the request, along with proof of ownership of the property, such as a copy of the recorded deed or proof of agency;
 - d) a copy of the demand to vacate served on the occupants, with the proof of service; and
 - e) a statement, signed under penalty of perjury, that the requestor is the owner of the property or authorized agent of the owner, that the occupants are unauthorized persons, that all information in the request is accurate and true to the best of the requester's knowledge, and that the request is being made in good faith and in compliance with all provisions of this bill.
- 6) Specifies that the request for removal may, but is not required to, include additional evidence of the unauthorized occupancy, as specified.

- 7) Permits a local law enforcement agency to prescribe a form and manner of submission for a request for removal, and permits a local law enforcement agency to charge a reasonable fee to cover the costs of processing and conducting the request for removal, including of any standby time.
- 8) Requires the local law enforcement agency, upon receipt of a request for removal, to verify the request, and remove the unauthorized persons from the property without reasonable delay if the request is valid.
- 9) Requires the law enforcement agency to provide the requestor with reasonable notice of the date and time of the scheduled removal, and permits them to require the requestor to be present for the removal.
- 10) Specifies that it is the responsibility of the law enforcement agency during the removal to enter the property and remove the unauthorized persons, but that the law enforcement agency must stand by for a reasonable time while any personal property is removed from the property and the locks are changed.
- 11) Specifies that a person who fraudulently causes or attempts to cause the removal of another person from property under these provisions is guilty of a crime punishable by imprisonment in a county jail for up to one year, as specified.
- 12) Permits an occupant who has been removed from property when the property owner acted fraudulently or in bad faith to file a civil action for restoration of possession, damages equal to three months' rent, expenses incurred due to the removal, and reasonable attorney's fees for such an action.
- 13) Specifies that its provisions do not limit the authority of local law enforcement to make an arrest or take other legal action for a related legal violation, including trespassing, burglary, theft, vandalism, possession of controlled substances or weapons, or resisting or obstructing a peace officer.
- 14) Specifies that its provisions are intended to provide remedies for the unauthorized occupation of residential property by squatters, and that its provisions do not apply to a tenant, former tenant who is in an active dispute with the owner, holdover tenant, or a person with a bona fide claim of tenancy or title, including by adverse possession.
- 15) Defines, for the purposes of its provisions, the following:
 - a) "demand" to mean a demand to vacate the property;
 - b) "owner" to mean the legal owner of the property or agent thereof, including a property manager;

- c) “property” to mean a dwelling structure or unit, including a house, mobilehome, condominium, apartment, or a dwelling structure on federally recognized tribal lands; and
- d) “squatter” or “unauthorized person” to mean a person who has unlawfully entered and is occupying a property without the consent of the owner and who refuses to leave upon request, or who fraudulently claims a lawful right of possession.

COMMENTS

1. Author’s statement

According to the author:

SB 448 will help ensure that quality, affordable housing remains accessible to lawful renters and that our communities are protected from the dangers and disruptions caused by illegal trespassing. In the wake of natural disasters, displaced residents often find themselves unable to return to their homes due to structural damage, safety concerns, or prolonged rebuilding efforts. During this vulnerable period, vacant homes become prime targets for squatters, who unlawfully occupy these properties, making it more difficult for disaster victims to reclaim their residences when they are ready to return. This legislation is timely and imperative in protecting property rights and delivers a comprehensive process for our residents and law enforcement partners to tackle the issue of illegal squatting.

2. SB 448 creates a process through which a property owner can remove a squatter from their property through the police

SB 448 aims at tackling the issue of squatters who are illegally residing on a property owner’s property. It provides a process through which the property owner may remove a squatter through the assistance of law enforcement. For this process, a “squatter” or “unauthorized person” is a person who has unlawfully entered and is occupying a property without the consent of the owner and who refuses to leave, or fraudulently claims a lawful right of possession. SB 448’s process only applies when a property owner has previously filed a notarized request form with a law enforcement agency, as specified in current law, for assistance with trespassing on the property for a twelve month period while the property is a fire hazard, the owner is absent from the property, or it is closed to the public.

First, an owner of property must serve a demand to vacate the premises to the squatter on the property that is addressed to each squatter, describes the property, includes the name and contact number of the property owner, and contains a specific statement that the occupant must vacate the premises within 72 hours of service of the notice or be

forcibly removed. This notice must be personally served on any occupant on the property who is at least 18 years old, or by conspicuously posting the notice at the property and mailing a copy by first-class mail to the property's address. After 72 hours from the service of this notice, the property owner may file a request for removal with local law enforcement to have the occupants forcibly removed.

This request must be provided on a form designed by the law enforcement agency, and must include: a written request for the removal of the unauthorized persons; the street address and assessor's parcel number for the property; the name and contact information of the person making the request, with proof that they own the property; and a copy of the demand to vacate provided to the occupants. The request must also include a statement signed under penalty of perjury by the requestor that: they are the owner or authorized agent of the owner of the property; that the persons present on the property are unauthorized persons; that all information in the request is accurate and true to the best of the requestors' knowledge; and that the request is being made in good faith and in compliance with all of the bill's provisions. The request may, but is not required to, include additional evidence regarding the unauthorized occupancy of the property. The law enforcement agency may charge a reasonable fee to cover the costs of processing such a request.

Once the law enforcement agency has received such a request, they must verify it and, if it is a valid request, remove the unauthorized persons without unreasonable delay. Law enforcement must provide the requestor with a reasonable notice of the date and time of the scheduled removal, and may require that the requestor be present for the occupant's removal. When the law enforcement officer executes the removal, they must enter the property and remove the unauthorized occupants, though they must stand by for a reasonable amount of time to allow for personal property to be removed and the locks changed at the request of the owner.

SB 448 specifies that a person who fraudulently causes or attempts cause the removal of a person from property under its provisions is guilty of a crime punishable by imprisonment in county jail for up to one year. If an occupant is removed due to the property owner acting fraudulently or in bad faith, the removed occupant may file a civil action for restoration of possession of the property, damages of up to three months' rent, the expenses incurred because of the removal, and their reasonable attorney's fees. SB 448 states that it does not apply to a tenant, a former tenant who is in an active dispute with the owner, a holdover tenant, or a person with a bona fide claim of tenancy or title, including by adverse possession.

3. Arguments in support

According to the California Rental Housing Association, which is the sponsor of SB 448:

SB 448 is a much-needed solution that establishes a streamlined process for property owners and homeowners to remove trespassers (also known as squatters) and reclaim their properties. The bill provides for a balanced approach that gives Law Enforcement the tools they need to ensure owners are not left powerless against those who unlawfully seize and occupy their properties, and protects property owners from risk of harm. At the same time, it increases protection for lawful tenants.

Especially in the wake of the recent wildfires and other natural disasters affecting Californians, displaced residents often find themselves unable to return to their homes due to structural damage, safety concerns, or prolonged rebuilding efforts. During this vulnerable period, vacant homes become prime targets for squatters who unlawfully occupy properties, making it more difficult for disaster victims to reclaim their residences when they are ready to return. SB 448 would provide essential protections for disaster victims by enabling law enforcement to remove illegal trespassers safely and prevent homeowners from incurring added financial burdens, particularly at a time they are already struggling with the costs of repairs and displacement.

4. Arguments in opposition

According to the Western Center on Law and Poverty, which is opposed to SB 448:

This bill will undermine essential tenant protections by empowering landlords to forcibly remove alleged “unauthorized occupants” without due process. The bill would substantially change landlord-tenant law by bypassing tenants’ most basic due process right – the opportunity to be heard in court – and allowing unscrupulous landlords to evade the lawful eviction process when removing tenants, wasting taxpayer-funded law enforcement resources in the process.

The stated intent of the bill, as detailed in the fact sheet provided by your office, is to “address the rising problem of trespassers unlawfully occupying properties across California” by creating a criminal process for law enforcement to forcibly remove a person from a “vacant property.” However, the effect of this bill will be to put innocent tenants with a legitimate claim to possession at risk of being forcibly removed from their home. Under current law, and in compliance with the constitutional right to due process, when two parties have a dispute over a property, both parties are authorized to go to court, present their claims, and seek a ruling. This bill would allow a landlord to have tenants forcibly removed after providing only a brief 72-hour notice. Even a landlord who believes a tenant to be an unlawful occupant may be legally incorrect. Nonetheless, after 72 hours, a landlord would simply need to make a written request to law enforcement to effectuate the removal of the household. No impartial decision maker with training in the law is required to review the decision. Instead, this

bill will permit law enforcement to make an on-the-spot determination about whether a tenant has a valid claim to the property. That is the role of a court, not law enforcement. A tenant's only recourse will be to affirmatively file a lawsuit to regain possession after they have lost their housing. As a practical matter, that is no recourse at all. The right to one's home is too fundamental to ignore constitutional due process.

Legal services attorneys routinely represent lawful tenants who were illegally locked out or forcibly removed from their property, even under current law. Because California's legal aid safety net is severely under-resourced, the cases it does see likely represent only a small fraction of illegal tenant removals. Further, attempts to illegally remove tenants typically increase during crises. For example, during the COVID-19 pandemic, California tenants were subject to a wave of illegal lockouts, especially in predominantly Black and Latino communities already disproportionately bearing the pandemic's health and economic impacts. As a result, many tenants were denied due process and made homeless while law enforcement was forced to waste precious time and taxpayer resources responding to lockouts. There has been a resurgence in this kind of activity in the wake of the Los Angeles wildfires. During the foreclosure crisis, we saw numerous examples of new owners purchasing properties and then claiming existing residents are unauthorized occupants, and we are starting to see a resurgence in these kinds of post-sale cases.

Further encouraging these illegal removals by stripping away constitutional safeguards, especially given the state's crushing shortage of affordable housing, will only lead to increased homelessness. This bill, while intended to address unlawful occupancy, will harm lawful occupant tenants by creating a climate of fear and leading to unjust and illegal evictions, especially when tenants struggle to prove their legitimate occupancy.

SUPPORT

California Rental Housing Association
Apartment Association of Greater Los Angeles
Apartment Association of Orange County
Arcadia Police Officers' Association
Berkeley Property Owner's Association
Brea Police Association
Burbank Police Officers' Association
California Business Properties Association
California Reserve Peace Officers Association
California State Sheriffs' Association
City of Corona
Claremont Police Officers Association

Culver City Police Officers' Association
East Bay Rental Housing Association
Fullerton Police Officers' Association
Garden Grove Chamber of Commerce
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Nor Cal Rental Property Association
North Valley Property Owners Association
Pacific Legal Foundation
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Santa Ana Police Officers Association
Santa Barbara Rental Property Association
Small Property Owners of San Francisco Institute
Southern California Rental Property Association

OPPOSITION

Alliance for Community Empowerment
Basta Universal
California Rural Legal Assistance Foundation (CRLA Foundation)
Courage California
Disability Rights Education & Defense Fund (DREDF)
East Bay Community Law Center
Grace Institute - End Child Poverty in CA
Housing and Economic Rights Advocates
Leadership Counsel for Justice & Accountability
Legal Services for Prisoner With Children
Movement Legal
National Housing Law Project
Open Door Legal
Public Advocates
San Francisco Public Defender
Santa Cruz for Bernie
Tenants Together
Western Center on Law & Poverty, Inc.

RELATED LEGISLATION

Pending Legislation:

AB 897 (DeMaio, 2025) makes a person guilty of unlawful squatting when they enter upon the land or premises of another and reside on that land for any period of time, knowingly acting without the knowledge or consent of the owner, rightful occupant, or the owner's representative, and requires a law enforcement agency that receives a complaint of a violation of these provisions to issue a citation. Provides that, if an occupant who attempts to show a lawful entry does so fraudulently or with improper documentation, the occupant can be removed from the premises. AB 897 is currently pending before the Assembly Public Safety Committee.

Prior Legislation:

SB 602 (Archuleta, Ch. , Stats. 2023) extended the period of time for a single request for assistance from law enforcement regarding a property that is a fire hazard or vacant to be valid for up to twelve months, as specified.

SB 468 (Seyarto, 2023) would have authorized a single request for assistance from law enforcement regarding a vacant property or a property closed to the public to be valid for up to three years for properties that are closed to the public, as specified. SB 468 died in the Senate Public Safety Committee.

SB 1110 (Melendez, 2022) would have authorized a single request for assistance from law enforcement regarding a vacant property or a property closed to the public to be valid for up to three years for properties that are closed to the public, as specified. SB 1110 died on the Assembly floor.

PRIOR VOTES:

Senate Public Safety Committee (Ayes 6, Noes 0)
