



## Policy 807

Subject	
<b>SQUATTERS AND PROPERTY FRAUD SCHEMES</b>	
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*By Order of the Police Commissioner*

### **POLICY**

**Property Crimes / Owners Rights.** It is the Policy of the Baltimore Police Department (BPD) to protect citizens from violent crimes and crimes against property. This includes situations involving Squatters and elaborate fraud schemes which negatively impact legitimate property owners, landlords, and real estate companies throughout Baltimore City. This policy seeks to provide guidance for addressing these complex matters, both civil and criminal in nature, in an effort to provide relief for legitimate property owners and property renters who are the victims of fraud, particularly when a property owner claims that someone is living on their property without permission.

### **BACKGROUND**

1. **Squatters.** Some situations involving Squatters are merely cases where a trespasser has knowingly entered a residence looking for a place to stay, without permission from the property owner and without documentation permitting them to be on the property. Squatters may falsify documents such as leases, deeds, or other property records, in an attempt to provide fraudulent proof of residency to police. Some of these Squatters may be Sovereign Citizens, who have created their own forms of documentation, independent of the law, thus creating Residential Victims.
2. **Fraud Schemes.** Persons may also fraudulently pose as landlords or property owners and lease or rent properties to unwitting victims. The victims in these schemes believe they have leased or rented a property from the legitimate owner and may possess documents they believe to be legitimate leases, deeds, or other property records, which were, in fact, created by a third party who is fraudulently collecting rent money for a property they do not own. In other cases, Residential Victims may be paying rent to a third party, but have no lease, deed, or other documentation allowing them on the property. These types of schemes defraud both the leasee, and the legitimate property owner.

## DEFINITIONS

**Burglary** — The unauthorized actual or constructive breaking and entering into a building or structure with the intent to commit a crime.

**Protected Resident** — An owner, former owner in actual possession of residential property, grantee, tenant, subtenant, or other person in actual possession by, through, or under an owner or former owner of residential property (Real Property Article § 7-113(a)(3)).

**Residential Property** — A building, structure, or portion of a building or structure that is designed principally and is intended for human habitation (Real Property Article § 7-113(a)(4)).

**Residential Victim** — A victim who has been scammed into “renting” a residence from someone other than the property owner, by way of a Craigslist advertising or other similar type of leasing scam.

**Sovereign Citizen** — Individuals who contend that they are answerable only to their particular interpretation of the common law and are not subject to any government statutes or proceedings. They do not recognize United States currency, and maintain that they are "free of any legal constraints."

**Squatter** — Subject(s) with no legal right to reside in a location who have illegally taken residence without permission of the property owner.

**Trespasser** — A person entering onto a property without the consent of the owner.

**Unwarranted Intrusion** — Subject lacks any legal justification, license, privilege, or invitation to be on the property in question.

## GENERAL

### Property Ownership Verification

Property ownership can be determined by searching the Maryland Department of Assessments & Taxation real property search website at: [sdat.dat.maryland.gov/RealProperty](http://sdat.dat.maryland.gov/RealProperty). Select “Baltimore City” and the street address search function. Enter the address and the information page will display the name of the owner of the property.

### Investigating Trespassing / Squatting Claims

When encountering a situation where an individual claiming to be the property owner requests that BPD members take enforcement action against persons believed to be Squatting, Trespassing, or otherwise on a premises without the owner’s permission, be guided by the below investigative steps:

1. In order to take police action, the complainant must be the property owner. If the complainant is not the owner, the officer should not take any action to remove the Squatter or Residential Victim.
2. If the property is in a foreclosure process, the owner (i.e., the person named on the current deed of the property, not the bank/mortgage holder until the foreclosure is complete) must request to have the Squatter removed.

3. If it is established that the Squatter lacks documentation, the Squatter is presumed to be a Trespasser and the owner must request that the person vacate the property immediately in the presence of the officer.

NOTE: The officer must inform the property owner that if he or she gives the Trespasser an extended period of time to remove personal items from the location, he or she is entering into a verbal agreement with the Trespasser, providing them permission to stay on the property. If thereafter the Trespasser refuses to leave, the person(s) will no longer be considered a Trespasser and the owner will need to initiate the eviction process to have the person(s) removed from the residence because the Squatter will be presumed to have established residency.

4. If the Squatter refuses to leave, the officer may arrest the Squatter for trespassing and/or burglary.

NOTE: A suspect charged with burglary or trespassing must be aware that they are committing an Unwarranted Intrusion.

5. If the Squatter is established as a Residential Victim by producing any documentation (e.g., lease, deed, or other property record), even if the document appears to be falsified, the Squatter will be presumed to have established residence and no action shall be taken. Rather, the property owner will need to initiate the eviction process to have the subject removed from the property. The officer must then refer the owner to the District Court.

NOTE: Members of the Baltimore Police Department do not possess the ability to verify whether presented documentation constitutes a binding legal document.

6. Contact the Legal Section at 410-396-2496 if there is any question about the current property owner or status of the foreclosure process.

### **COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.