North Las Vegas Squatter Task Force

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QUESTIONS???????
OBJECTIVES

1. REVIEW LEGAL ISSUES
2. EVALUATE STRATEGIC AND TACTICAL RESPONSES
3. PREPARE FOR EVOLUTION IN SQUATTER TECHNIQUES
4. RECOGNIZE COMMON DANGERS & HAZARDS
LEGAL ISSUES

1. Constitutional Issues
2. Contract Law
3. Property Rights
4. Tenant’s Rights
5. Other State and Local Laws
Amendment IV of the Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
TYPES OF SQUATTERS
Definition of squatter

: one that squats: such as
  a: one that settles on property without right or title or payment of rent
  b: one that settles on public land under government regulation with the purpose of acquiring title
Legal Definition of **Squatter**

: a person who occupies real property without a claim of right or title

*NOTE:* In most jurisdictions, a squatter cannot gain title to land through adverse possession because adverse possession requires possession of the property under a claim of right or color of title.
Adverse Possession - State of Nevada

- NRS 11.100 through 11.150, also NRS 40.090
- Occupation of property under claim of title, no deed
- Requires improvement of property during occupancy
- Continuous occupation for 5 years
- Payment of all state, county, and city taxes
Basic Types of Squatters

- Squatters - Homeless/Vagrants
- Squatters - “Gaming the System”
- Falsely Accused - The “Not” Squatter
Basic Types of Squatters - Homeless

- Little or no financial resources
- Escape from the elements
- Typically not argumentative
- Locations near homeless corridors, typically abandoned, unsecure.
Basic Types of Squatters - “Gaming the System”

- Seeking no-cost housing; cash payout
- Often has financial resources
- Serial (multiple evictions/squats)
- Argumentative; answers door with lease
- Occurs in locations throughout the city
Types of Squatters - The “Not” Squatter

- Legitimate victim of rental fraud
- False reports based on suspicious behavior or complainant bias
- Doesn’t fit the pattern, no “red flags”
- Owner claims squatting but has verbal agreement with occupant
Criminal Behavior Theories

- Classical Theory
- Rational Choice Theory
- Social Disorganization Theory

Classical Theory

The classical theory states that crime is a result of the risk-reward ratio leaning favorably towards “reward.” In other words, if the reward outweighs the risk, crime occurs. Of course, this theory also states that crime is a choice and that the choice must be a selfish one. A selfish choice combined with a low-risk reward forms the classical theory.
Rational Choice Theory

This theory hinges on the belief that crime is rational. In other words, crime is a result of risk and reward (just like the classical theory). However, this theory goes on to state that if we raise the risk (harsher laws, harsher punishments, etc.), then the reward becomes off-balanced and this deters crime.
Social Disorganization Theory

The social disorganization theory believes that if you have disorganized cities, towns, communities, etc., then you will have a surge in crime.
Contributing factors to squatting outbreak

- Large number of vacant or foreclosure properties.
- Lengthy foreclosure process.
- Easy access to owner information.
- Ease of establishing new utility service.
Contributing factors to squatting outbreak (cont.)

- Lackluster enforcement -- Weak laws
  - Commonly viewed as a civil issue
  - Enforcement requires a victim
  - Minimal penalty - low-risk
  - Large monetary savings and/or award
“Cash-for-Keys”

- Federal “Protecting Tenants at Foreclosure Act of 2009”
- Protect the asset and reduce losses
- $1000-$5000 to vacate within 30 days
- Bad Guy Network
- Practice continues today
"Cash-for-Keys" (SquatThePlanet.com)

I used to be a real estate agent who specialized in foreclosures and I can confirm that getting what we called "cash for keys" is an easy way to get paid to move. You can search Zillow for preforeclosures in your area and find homes that are vacant too.
BREAK
PRE-TASK FORCE
SQUATTER RESPONSE

Case Summaries Review (handout)
NOT EFFECTIVE AGAINST SQUATTERS!
SILOS TO SYNERGY

The Creation of the City of North Las Vegas
Squatter Task Force

- POLICE DEPARTMENT (command; field)
- CODE ENFORCEMENT (mgmt; field)
- UTILITIES DEPARTMENT (mgmt; field)
- CITY ATTORNEY’S OFFICE
- CITY MANAGEMENT
- CITY COUNCIL
SILOS TO SYNERGY

Additional Parties & Resources

- VPR/FPR
- Building Safety
- Other Jurisdictions
- Courts
- News/Media
- Realtor Associations
- Bank Associations
- Constables Office
- HOA associations
- Neighborhood Watch
- Guardians/Trustees
- Other Federal, State, and Local Agencies
- and Departments
STRATEGIC RESPONSE
SQUATTER TASK FORCE

Roles, Responsibilities, and Processes

- PREVENTATIVE
- ENFORCEMENT
- LEGISLATIVE
- INVESTIGATIVE
- EDUCATIONAL
- STRATEGIC
PREVENTATIVE ROLES - Code Enforcement

- CE maintains Foreclosure Property Registry.
  - New registrations forwarded to UT to flag
  - Proactive property maintenance inspections

- Vacant/abandoned properties are inspected and secured by CE same-day, in most cases
PREVENTATIVE ROLES - Utilities

- Request for service & our document verification policy
- Research & verification of property ownership / PM’s
- New accounts & the owner/tenant letter
- Utilities notified of an unauthorized occupant
PREVENTATIVE ROLES - Police Department

- Enters names of known squatters into SCOPE or other shared database
EDUCATIONAL ROLES

- PD and CE conducts a course for each recruit class coming out of the SNDRP academy.
- PD and City PIO’s work together in promoting STF activity with their media partners.
- Utilities provides at-counter information and support to tenants and property owners
- City produces literature to help educate residents and promote the STF response
Parties involved in squatting cases

*Actual* property owners; property managers; real estate agents; banks; *property preservation agents*; PR’s; occupants; federal, state and local agencies and departments; constable; justice courts; utility departments or companies; elected officials; media; pseudo-owners (the elusive owner/landlord found on Craigslist who only receives cash payments for 1st/last security and monthly rent at the local 7-eleven and has provided a lease printed on the internet and filled out incorrectly); HOA's; guardianship offices; parole & probation; notary publics; et al.
REVIEW OF NEVADA REVISED STATUTES
NRS Historically Applied To Squatting

- NRS 207.200 - Trespassing
- NRS 205.060 - Burglary
- NRS 205.110 - Uttering forged instruments; forgery
Review of NRS - 2013 Legislative Session

- NRS 207.030 - Vagrancy/Lodging in Foreclosure Home
Review of NRS - 2015 Legislative Session

- NRS 205.0813 - Housebreaking
- NRS 205.0817 - Unlawful Entry
- NRS 205.082 - Unlawful Re-entry
Review of NRS - 2015 Legislative Session (cont)

- NRS 40.412 - Owner retaking
- NRS 40.416 - Recovery of Possessions & Challenge by Occupant
Review of NRS - 2017 Legislative Session

- Assembly Bill No. 161 - Notary Requirements on Leases
Other State Legislation - Colorado SB18-015

- Protecting Homeowners and Deployed Military
- Owner signs affidavit, can be charged with perjury if false
- Protections for occupants
- Protections for law enforcement

STATUS: Enacted, Effective July 1, 2018
Other State Legislation - Washington (SB 5388)

- Owner must declare occupants entered and remain illegally in the unit, that occupants were not a tenant in past 12 months, that the occupants were not authorized to enter or remain, and that the occupants have been ordered to vacate but have not done so

- STATUS: **Enacted**, Effective July 21, 2017
BREAK
TACTICAL RESPONSE
SQUATTER TASK FORCE

Roles, Responsibilities, and Processes

PREVENTATIVE

ENFORCEMENT

LEGISLATIVE

INVESTIGATIVE

EDUCATIONAL

TACTICAL
INVESTIGATIVE ROLES - Code Enforcement

- CE teams with UT to review account history for known occupants to establish patterns of utility theft/squatter activity
- CE identifies and makes contact with property owner(s) of record to confirm squatting and obtain trespass, consent to search, etc.
- CE also coordinates with any other agency or entity with an interest in the property
RED-FLAGS FOR IDENTIFYING SQUATTER HOUSES

Whiteboard discussion
Resources for locating property owner(s) & researching probable occupants

★ CCA (Public)
★ CCR (Public/Gov’t Agency)
★ Utility Records (Restricted)
★ Property Registry (Restricted)
★ TAC (Terminal Agency Coordinator) (JLINK certification required)
★ Free online background check sites, i.e. Advanced Background Check (Public)
★ District, Justice and Municipal court websites (Public)
★ Silverflume (Public/Restricted)
★ Et al
INVESTIGATIVE ROLES - Utilities

- UT assists CE in researching account history of any suspected squatters to establish patterns of utility theft/squatting.

- UT copies all relevant leases and ID’s into secure STF folder for CE and PD use while working the case.
INVESTIGATIVE ROLES - Police Department

- PD and/or CE may conduct a preliminary visit to the subject property in an attempt to make contact and ID any occupants and obtain THEIR story.
- PD can run call history on the subject property for evidence to substantiate squatter complaint.
- PD may also run any occupants through SCOPE to determine whether past arrests or convictions substantiate the squatter complaint.
ENFORCEMENT ROLES

- PD takes the lead on the enforcement role. Based on accumulated evidence during investigation phase, patrol may choose to remove and/or arrest the occupants.
- CE provides information in the field in a support role to PD and coordinates with property owner
- UT may provide field technicians to lock-off water meters or install SO kits
POST-TASK FORCE POLICE RESPONSE

- Criminal vs Civil (Landlord/Tenant) Response
- Other Challenges (lack of victims, low-level charges)
- Ways NLVPD has benefited from task force model
REMOVAL OR ARREST?

And Other Criminal Behavior Associated with Squatting
TACKLING THE VALLEY’S SQUATTER PROBLEM
WATCH OUT FOR DANGERS AND PITFALLS
SQUATTER SPOTTERS

@ktn

ARMED AGAINST SQUATTERS
WATCH OUT FOR DANGERS AND PITFALLS
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