

AMENDED IN ASSEMBLY MAY 6, 2014  
AMENDED IN ASSEMBLY APRIL 24, 2014  
AMENDED IN ASSEMBLY APRIL 8, 2014  
AMENDED IN ASSEMBLY MARCH 17, 2014  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1513**

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**Introduced by Assembly Member Fox**

January 15, 2014

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An act to add and repeal Sections 602.55 and 602.56 of the Penal Code, relating to residential property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1513, as amended, Fox. Residential property: possession by declaration.

Existing law allows a plaintiff, upon motion, to have immediate possession of the premises of a manufactured home, mobilehome, or real property by a writ of possession issued by a court and directed to the sheriff of the county or marshal, for execution, where it appears to the satisfaction of the court, after a hearing on the motion, from the verified complaint and from any affidavits filed or oral testimony given by or on behalf of the parties, that the defendant resides out of state, has departed from the state, cannot, after due diligence, be found within the state, or has concealed himself or herself to avoid the service of summons.

Existing law provides that every person who willfully commits a trespass is guilty of a misdemeanor.

This bill would, ~~only~~ until January 1, 2018, allow a property owner, or an agent of the property owner, *of residential property in the Cities of Palmdale and Lancaster in the County of Los Angeles*, to register vacant real property with the local law enforcement agency and to execute, under penalty of perjury, a Declaration of Ownership of Residential Real Property. By expanding the scope of the crime of perjury, this bill would impose a state-mandated local program.

This bill would allow a property owner, or an agent of the property owner, *of residential property in the Cities of Palmdale or Lancaster in the County of Los Angeles*, to file the Declaration of Ownership of Residential Real Property with the district attorney of the jurisdiction in which the property is located. The bill would require the property owner to post the filed declaration on the property listed in the declaration. The bill would require the local law enforcement agency with which the property is registered to respond as soon as practicable after being notified that an unauthorized person has been found on the property and take specified action, including requiring a person who is found on the property to produce written authorization to be on the property, and advising any person who does not produce that authorization that he or she has 48 hours to obtain it, and is subject to arrest for trespass if he or she is subsequently found on the property without it. The bill would provide that a person who is found on the property not less than 48 hours after being so notified *is guilty of trespass* and, ~~if convicted of trespass~~, is subject to imprisonment in a county jail not exceeding one year, or a fine not exceeding \$1,000, or both that imprisonment and fine. ~~The bill would also set forth procedures governing the disposition of personal property remaining on the real property following the arrest of a person for trespass.~~ By imposing new duties on local law enforcement agencies and by expanding the scope of the crime of trespass this bill would create a state-mandated local program.

The bill would provide that its provisions apply only to one-unit to four-unit residences *in the Cities of Palmdale and Lancaster in the County of Los Angeles*.

*This bill would make legislative findings and declarations as to the necessity of a special statute for the Cities of Palmdale and Lancaster in the County of Los Angeles.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that the  
2 practice of squatting on vacant property is a public nuisance and  
3 is detrimental to the health, safety, and economy of local  
4 communities and to the rights of real property owners. The intent  
5 of this section is to provide a means to deter squatting at an early  
6 stage and to provide a second chance for squatters to vacate the  
7 premises in lieu of arrest. The Legislature also declares this section  
8 not to be an abridgment of other statutes relating to trespass or  
9 civil eviction proceedings.

10 SEC. 2. Section 602.55 is added to the Penal Code, immediately  
11 following Section 602.5, to read:

12 602.55. (a) The owner or owner's agent of vacant real property  
13 may register the property with the local law enforcement agency  
14 utilizing the form contained in subdivision (a) of Section 602.56.

15 (a)

16 (1) The registration shall be signed under penalty of perjury and  
17 include:

18 ~~(1) A statement~~ *state* that the property is vacant and is not  
19 authorized to be occupied by any person.

20 (2) The *registration shall be accompanied with a statement*  
21 *providing the name, address, and telephone number at which the*  
22 *owner can be contacted within a 24-hour period.*

23 ~~(3) A period and a statement~~ that either the law enforcement  
24 agency or a licensed private security services company has been  
25 retained to comply with the inspection and reporting provisions  
26 of this section, together with a copy of any agreement or contract  
27 to perform those services.

1 (b) The owner or the owner’s agent shall register the vacant  
2 property no later than three days after the owner or owner’s agent  
3 learns that the property is vacant.

4 (c) The owner or owner’s agent, immediately after authorizing  
5 a person to occupy the vacant property, shall do both of the  
6 following:

7 (1) Issue a written authorization to the person authorized to  
8 occupy the property.

9 (2) Notify the law enforcement agency where the property is  
10 registered and terminate the registration.

11 (d) The licensed private security services company or law  
12 enforcement agency selected by the owner or owner’s agent  
13 pursuant to this section shall do both of the following:

14 (1) Inspect the vacant property not less than once every three  
15 days.

16 (2) Immediately notify the law enforcement agency with which  
17 the property is registered if any unauthorized person is found on  
18 the property.

19 (e) The law enforcement agency where the property is registered  
20 shall respond as soon as practicable after being notified pursuant  
21 to paragraph (2) of subdivision (d) that an unauthorized person is  
22 found on the property. The responding officer shall do all of the  
23 following:

24 (1) Verify that the property was inspected within the last three  
25 days pursuant to paragraph (2) of subdivision (d) and found to be  
26 vacant.

27 (2) Ascertain the identity of any person who is found on the  
28 property.

29 (3) Require a person who is found on the property to produce  
30 written authorization to be on the property.

31 (4) Advise any person who does not produce written  
32 authorization pursuant to paragraph (3) that he or she has 48 hours  
33 to obtain written authorization from the owner of the property, or  
34 the owner’s agent, to be on the property, and that the person will  
35 be subject to arrest for trespass if the person is subsequently found  
36 on the property without that authorization.

37 (5) Verify with the owner or the owner’s agent that the property  
38 is vacant.

39 (f) Any person who is found on a vacant property not less than  
40 48 hours after being notified as provided in paragraph (4) of

1 subdivision (e) is guilty of trespass and, upon conviction, is subject  
2 to imprisonment in a county jail not exceeding one year, or by a  
3 fine not exceeding one thousand dollars (\$1,000), or both.

4 ~~(g) The procedures set forth in Chapter 5 (commencing with~~  
5 ~~Section 1980) of Title 5 of Part 4 of Division 3 of the Civil Code~~  
6 ~~govern the disposition of any personal property remaining on the~~  
7 ~~vacant property following the arrest for trespass pursuant to this~~  
8 ~~section of a person who owns the personal property. For purposes~~  
9 ~~of applying those procedures, a person who is arrested for trespass~~  
10 ~~shall be deemed to be a former tenant of the property.~~

11 ~~(h)~~

12 ~~(g) This section shall not be construed to limit the owner's right~~  
13 ~~an owner from seeking other legal remedies to have a person~~  
14 ~~removed from the vacant property pursuant to any other law.~~

15 ~~(i)~~

16 ~~(h) The arrest of a person and removal of personal property~~  
17 ~~pursuant to the provisions of this section is not a forcible entry~~  
18 ~~under the provisions of Section 1159 of the Code of Civil~~  
19 ~~Procedure and shall not be a basis for civil liability under that~~  
20 ~~section. Procedure.~~

21 ~~(j)~~

22 ~~(i) The local city council or board of supervisors shall establish~~  
23 ~~fees for registering a vacant property with the local law~~  
24 ~~enforcement agency and for the conduct of inspections by the law~~  
25 ~~enforcement agency pursuant to this section.~~

26 ~~(j) This section shall apply only to one-unit to four-unit~~  
27 ~~residences in the Cities of Palmdale and Lancaster in the County~~  
28 ~~of Los Angeles.~~

29 ~~(k) This section shall remain in effect only until January 1, 2018,~~  
30 ~~and as of that date is repealed, unless a later enacted statute, that~~  
31 ~~is enacted before January 1, 2018, deletes or extends that date.~~

32 SEC. 3. Section 602.56 is added to the Penal Code, to read:

33 602.56. (a) A property owner, or an agent of the property  
34 owner, may execute a "Declaration of Ownership" that includes  
35 language substantially similar to the language below and file it  
36 with the district attorney of the jurisdiction in which the property  
37 is located. If the property owner, or the agent of the property owner,  
38 files the declaration with the district attorney, he or she shall also  
39 post the declaration on the unoccupied residential property listed  
40 in the declaration.

1  
2 “DECLARATION OF OWNERSHIP OF RESIDENTIAL REAL  
3 PROPERTY

4  
5 I, \_\_\_\_\_, declare and state: I make this  
6 declaration based upon my own personal knowledge.

7 1. I am the owner\_\_\_\_, or the agent of the owner\_\_\_\_(check one),  
8 of the residential property located at \_\_\_\_\_,  
9 California (“Property”).

10 2. Submitted with this declaration, and incorporated herein by  
11 reference, is a true and correct copy of the deed by which I obtained  
12 ownership of the Property.

13 3. Since obtaining ownership of the Property, no ownership  
14 interest in the Property has been conveyed or transferred to any  
15 other person or entity.

16 4. At the time of obtaining ownership of the Property, no person  
17 was occupying the Property and no ownership interest or right of  
18 possession in the Property has been conveyed or transferred to any  
19 other person or entity.

20 5. As of the present date, there are no persons authorized by me  
21 or my agent to reside within the Property. Any persons residing  
22 on this Property are doing so without any express or implied  
23 authorization from me or my agent.

24 6. I have not entered into any form of lease arrangement, rental  
25 agreement, or given any consent whatsoever to any persons to  
26 reside within the Property.

27 7. I will advise the district attorney if there is any change in the  
28 status of the Property and an occupancy is authorized by me or  
29 my agent.

30 8. I declare under penalty of perjury that the foregoing is true  
31 and correct.

32  
33 EXECUTED on \_\_\_\_\_, at  
34 \_\_\_\_\_, California”

35 (b) This section shall ~~only apply~~ *apply only* to one-unit to  
36 four-unit residences *in the Cities of Palmdale and Lancaster in*  
37 *the County of Los Angeles.*

38 (c) This section shall remain in effect only until January 1, 2018,  
39 and as of that date is repealed, unless a later enacted statute, that  
40 is enacted before January 1, 2018, deletes or extends that date.

1     *SEC. 4. The Legislature finds and declares that a special law*  
2 *is necessary and that a general law cannot be made applicable*  
3 *within the meaning of Section 16 of Article IV of the California*  
4 *Constitution because of the unique circumstances in the Cities of*  
5 *Palmdale and Lancaster in the Country of Los Angeles, it is first*  
6 *necessary to establish this program in a limited setting to analyze*  
7 *its effectiveness before considering an extension to other local*  
8 *jurisdictions.*

9     ~~SEC. 4.~~

10     *SEC. 5. No reimbursement is required by this act pursuant to*  
11 *Section 6 of Article XIII B of the California Constitution for certain*  
12 *costs that may be incurred by a local agency or school district*  
13 *because, in that regard, this act creates a new crime or infraction,*  
14 *eliminates a crime or infraction, or changes the penalty for a crime*  
15 *or infraction, within the meaning of Section 17556 of the*  
16 *Government Code, or changes the definition of a crime within the*  
17 *meaning of Section 6 of Article XIII B of the California*  
18 *Constitution.*

19     *However, if the Commission on State Mandates determines that*  
20 *this act contains other costs mandated by the state, reimbursement*  
21 *to local agencies and school districts for those costs shall be made*  
22 *pursuant to Part 7 (commencing with Section 17500) of Division*  
23 *4 of Title 2 of the Government Code.*