

### Acquiring Occupied Property – Your Rights and Obligations

Your organization has recently acquired a property that you plan to rehabilitate, only to find someone living in the property. They may be tenants of the former owner, the former homeowner themselves, or possibly they are squatters. While your first thought might be to change to locks, the occupants have rights and you have obligations. While the extent of your obligations may depend on the funding sources your organization is using, there are basic obligations that apply to all. The costs of eviction can add up quickly, and we recommend that you exhaust other alternatives while pursuing legal action. In addition, seeking cooperative solutions is responsible community development, and good community relations.

#### Evicting an occupant must occur through court action.

Self-help remedies, such as changing the locks, subject owners to suit by the occupant and can result in significant damages. As a general rule, you should assume all long-term occupants should receive (in writing) a one-month notice to vacate. When analyzing the costs, be sure to think about the non-monetary costs like the time involved and the potential impact on your reputation in the community.

Monetary Costs	Non Monetary Costs
Filing fees	Value of your time
Bailiff expenses	Reputation in the community
Attorney fees	
Relocation costs	

#### What are the alternatives to the eviction process?

- Be creative
- Talk with the occupant, if possible
- Explain what your organization is doing and what options they might have. Perhaps this could be an opportunity for these occupants to be first-time homeowners
- Look for cooperative alternatives to the eviction process

#### Look to strategies that other nonprofits have used

You may choose to pay the occupant to move/relocate – this is often less costly than the court costs and attorneys fees associated with an eviction. This approach also builds goodwill in the community towards your organization. Work with other organizations, such as the United Community Housing Coalition, that will assist you in relocating families.

In the long run, you want to have the occupant vacate the premises so that your work can begin – but remember, these occupants are members of the community, too. Be conscious of their rights as well as your own.

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*For additional information and assistance, please contact Community Legal Resources.*

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