

OCCUPATION!

*The bi-monthly news bulletin of Olympia's
burgeoning squatting community
Issue #1*

Occupation. An army occupies a nation. The word brings to mind images of Russian tanks rolling through the streets of Eastern Europe.

But occupation is not always so obvious; sometimes such occupations go on so long that the tanks are unnecessary. They can be rolled back into storage, as long as the conquered remember they can return at any time—or behave as if the tanks were still there, forgetting why they do so.

How do you recognize an occupied people? The most common denominator is the tithe, they must pay to their conquerors. A tithe—that is, a sort of rent the occupied must pay to outsiders just to live on their own lands. Pretty ironic!

Speaking of—what's your occupation? You know, what occupies your time? A job, probably, or two, or preparations for one, or recovery from one. And you need that job to pay for . . . rent, for one thing. But weren't those buildings built by the hands of people like yourself, people who had to work to pay their rent too?

Today, most of us are occupied territory: land and body, time and soul. The ancestors of today's white folks conquered and carved up the land that had been shared, and then a few of them bought it all up. Now they collect tithes from us in return for letting us live in the homes we make and keep. To survive in their system we too must become "occupants," anonymous to our neighbors, like it or not doing our part to guard the spaces we inhabit against the homeless, the natives and wildlife from whom they were first seized.

Or, hold on—are you pre-occupied? Perhaps you've been called this in high school, in on-the-job training, in failing relationships, when someone was trying to command your attention and your attention wouldn't cooperate. Is there a part of you still held by daydreams, fantasies, lingering hopes that your life could be more than—your occupation? Is there a you that is still imagi-native, uncolonized and untamed?

Then maybe you've had this crazy idea, just once, while walking around town looking at all the empty storefronts and houses: why are there people freezing on the streets outside warm vacant buildings with locked doors? Why are people like us working so hard to pay the rent when there are big spaces not being used for anything? What would you do, for that matter, if you had access to all that space and time to use as you saw fit?

There is another kind of occupation. It is possible—and not just in daydreams!—to move into those empty buildings, to bring them to life. This is what we are doing in Olympia today.

This is the opposite of an army occupation—it is us, people like you and me, taking our space back for the community to share. Occupying ourselves in this project, we re-discover our city, our strengths, the joys of working together—and thus re-capture ourselves from the wheel of tedium and despair that made working and paying rent look like the only game in town.

If you think you might nurse dreams of being more than just another occupant—if you want to see resources made by people used sanely by people, for people—if you want to see Olympia filled with a new life, then please consider joining or supporting us in opening up empty buildings and planting new seeds in abandoned earth.



**We don't want you to take care
of us, we just want you to let us
take care of ourselves.**

When one door
closes

another
opens

why squat?

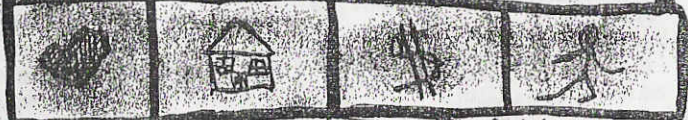
squatting around the world

the law

tips, how to, & resources

☆ Lucky → ☆

they tell you that you can't have everything. that life is all about compromise & sacrifice. they never even hint that it might be possible to harmonize the chaos & have it all. You're just supposed to choose from the boxes.



FUCK

they tell you doors close & never open again, but we know about oiling the hinges, about leaving them unlocked in the first place.

That!!

home is all about coming & going, freely



it's all about having it all, roof & open sky

We make it for each other, even in the middle of all this mess. we gotta give each other every key we own, & unlock everything we know. last skeleton naked in the river & draw it. then throw ourselves. destroy every wall inside & out. wash away all that we never wanted to make room for all that we ever did. AND

we do. call it CHAOS or call us Lucky

FURTHER RESOURCES

No Trespassing: Squatting, Rent Strikes, and Land Struggles Worldwide by Anders Corr, copyright 1999, South End Press.

Cracking the Movement: Squatting Beyond the Media put out by Adilkno (the Foundation for the Advancement of Illegal Knowledge), translated (from the dutch) version anti-copyright 1994, Autonomedia.

Not for Rent: Conversations with Creative Activists in the U.K. by Grrrt and Stacey Wakefield, copyright 1995, Evil Twin Publications.

www.squat.net

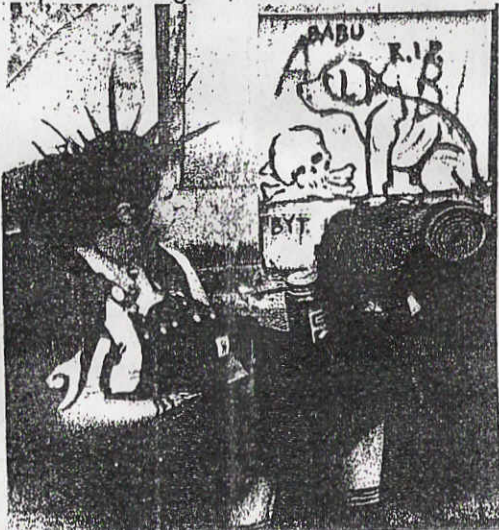
www.squat.freeserve.co.uk/ (advisory service for u.k. squatters)

www.rnw.nl/doubledutch/kraken/ (page on Dutch "Krakers" or squatters)

www.interlog.com/~cjazz/awar.htm (Includes stuff on squatters rights)

www.cat.org.au/housing/book.htm (Unreal Estate -- Squatters Handbook Online)

www.abcnorio.org/ (n.y. collective involved in promoting squatters rights)



... nothing about these resources, or any of the information in this zine, is anywhere near complete - do your own detective work, & you can find out lots more. →

WHY SQUAT?

Walking through an inner-city industrial neighborhood, have you noticed all the broken windows and boarded up doors? Or maybe driving through the tired parts of town you've seen blacked-out store fronts and hollowed warehouses. Maybe you've wondered how they got that way, or why they stay empty when just blocks away, sometimes, there's a clamor for new offices, new apartments and condos and retail parks. It's not uncommon, in the gritty hearts of many American cities, to see as many as one in every three buildings left empty, their doorways filling with trash and sometimes a tired figure trying to catch a few bleary hours of sleep... And maybe, too, you've wondered, *why doesn't somebody do something about that?*

Somebody does. Whole groups of people do. We're called squatters.

In urban settings, we may move into abandoned apartments in occupied complexes, take over entire warehouse buildings, or clean up trash-filled lots to plant illicit gardens. "Squatting" means finding some empty housing and moving yourself in without an agreement with the landlord. Squats can be just short term housing or they can evolve into long-term housing.

For some squatters, squatting is a deliberate choice not to be held hostage by the work-rent cycle. The idea of paying money for housing (and others making money off your basic need for housing) may be seen as simply immoral. For others, squatting is the last chance for shelter; it's either that or sleep in the streets. More and more, squatting has become an economic necessity.

In many cities, gentrification is pushing low and no-income people out of their communities. Lower-income areas of cities are allowed to decay for years through redlining and city neglect, creating thousands of abandoned units of housing, and then are gradually redeveloped for middle and upper-income people.

And there is nowhere in the US where a minimum-wage worker can afford market-rate rent, according to the National Low-Income Housing Coalition. In DC, a minimum-wage worker would be forced to work over 100 hours a week to afford a two-bedroom apartment at market rate.

Squatting is, simply, a practical response to the basic human need for land and shelter. It insists that shelter should be an inalienable right, one which, in some cases, trumps the right to private property. Squatting has always been an option people have chosen to meet their housing needs. In every period of known history and in nearly every society touched by forms of inequitable property - from the peasant insurgents of the the 5th century Roman Empire to today's urban squatters - people have struggled for a more equitable distribution of land and shelter. Ever since property was established, vast numbers of people have ended up without a fair share and often, without a home. And ever since, vast numbers of people have discovered empty properties, be it land, huts, houses or castles, and decided to settle there, even if obviously not invited to do so.

In this century, squatting has been the basis of numerous social movements. Individuals and groups have turned squatting into a political statement, engaged collectively in struggles against landlords, city councils and the state, and have consciously created autonomous zones and defended them. Renters, landless, and homeless persons face overwhelming odds in making changes solely through legal channels, so they embrace unconventional tactics such as rent strikes, land occupation, demonstrations, riots - and squatting.

While we engage in these struggles to better our living conditions, we also have broader aims. An equitable distribution of land and housing, security of tenure, cultural sovereignty, self-determination, and an end to environmental racism and degradation have all served as goals for land housing struggles. More often than not, landowners and government officials stand in direct conflict with these goals, which threaten the system of landed property from which the few garner massive benefits.

9) GET ADVICE AND SUPPORT FROM CIVIL RIGHTS GROUPS

One group that comes to mind is National Law Center on Homelessness and Poverty (which works closely with National Coalition for the Homeless). The Law Center recently published a report on police harassment of homeless people, titled "Mean Sweeps". If you use the Internet, you can link to the Law Center (and other useful information on homelessness) via the National Coalition for the Homeless homepage at:

<http://www2.ari.net/home/nch/wwwhome.html>

American Civil Liberties Union (ACLU) helped Homefront protesters get charges dropped. ACLU is another group worth working with, especially if people are arrested.

10) HAVE SQUATTING SUPPLIES ON SITE AND NEARBY

If you manage to hold a building, authorities may try to starve you out. So have water, blankets, food, soap and buckets for human waste inside--before you publicly announce your site.

Also have cell phones inside, so that you can have contact with supporters outside. Don't forget musical instruments to celebrate your struggle--and to accompany you as you sing "We Shall Not Be Moved".



Of course, you may want to tailor these guidelines for your specific needs.

4) REQUIRE NON-VIOLENT CIVIL DISOBEDIENCE TRAINING OF ALL WHO MIGHT RISK ARREST

To help assure public support, you'll need to make sure there are no threats, screaming or fights. Officials or the media may well use such incidents to deflect attention from the validity of your issues.

Role-play all possible outcomes. There are fine non-violence trainers, probably in your town.

5) CREATE "LEGAL SUPPORT" ROLES FOR THOSE WHO CHOOSE NOT TO BE ARRESTED

Never "guilt-trip" those who may not want to do civil disobedience. Make sure they are in a spot where they will not be arrested.

Help them choose legal support tasks. These include meetings, transport, materials, cash, outreach, publicity and legal help--to name but a few.

6) MAKE YOUR SPOKESPEOPLE THOSE MOST AFFECTED--HOMELESS PEOPLE

I think it's a form of "domestic colonialism" when non-poor people speak for the poor, even when "progressives" do it. When actions show signs of success, politicians and services providers often try to take control, take credit and take any resources you win (such as housing and cash).

Homeless peoples' aims get lost in such shuffles--as well as the materials to survive and thrive that homeless people deserve. Choose your allies carefully, and let homeless people speak for ourselves.

7) MAKE DEMANDS THAT LINK THE KEY ISSUES--CIVIL RIGHTS, HOMES FOR ALL, WAGE-RENT SLAVERY

Be realistic. Demand the impossible.

What is "politically feasible" today is far short of what people need and deserve. Accept no substitutes. You may get what you ask for--so ask for everything.

8) WIDELY PUBLICIZE AND ENFORCE A BAN ON ALL ALCOHOL AND DRUGS ON SITE

People who are high or agitated at your actions will undercut your credibility with the publics who can help win your demands. If you see someone with drugs or alcohol, ask them to take it off the site--first time, every time. Fighting drunks will discredit your actions quickly.

As one Filipino campesino squatter put it, *The land is like the air. It is just there for us to use in accordance with our need and labor. The birds of the air and the animals of the field get what they need in order to live. Can any one of us say they don't have that right? Why then are we denied the right to the land we need to have a decent living?*



A TASTE OF SQUATTING AROUND THE WORLD, PAST AND PRESENT

Squatters are heir to a long history of both rural and urban land occupation. As early as 1649, a group of landless English farmers known as the Diggers took it upon themselves to cultivate tracts of unused land, privately owned but used for common grazing. Although they were at first tolerated by the land owners, the local militia quickly routed the pacifist communitarians and drove them from the district. Few other early squatters are as well-known as the Diggers, but they've left a visible and thriving legacy. Squatted buildings - and in some cases, entire neighborhoods - can be found in cities throughout western Europe, and in fact in places the rights of these squatters are protected by local laws. In the Netherlands, for example, anyone who moves into a building empty for one year, and furnishes it with a table, a bed, and a chair, is declared the legal occupant of that building. (Although this doesn't guarantee they won't be evicted, it does give them some legal rights. Similar British laws ensure that squatters can't be evicted from most abandoned buildings without court proceedings.) In part because of lenient property laws, a vibrant squatters movement has thrived in Amsterdam since the early sixties. Skyrocketing rents coupled with plentiful abandoned buildings led to, by some estimates, as much as one-fourth of the city's population living in squatted housing. Although increasingly stringent laws and speculation have changed the face of squatting culture, Amsterdam is still peppered with dozens of squatted houses and flats, schools, bars, restaurants - even a cyber-cafe and a film club. Meanwhile, in many parts of the Spanish countryside, municipal governments may grant occupancy contracts of two, ten, or thirty years to squatters willing to renovate abandoned cottages and work the land around them. One of Europe's most successful squatting stories is Christiania, an autonomous Free Town occupying a former naval base in the center of Copenhagen. Many of the buildings have been brightly painted and trees and grass

TIPS FOR SQUATTING AS A POLITICAL ACT

1) BRING CAMCORDERS, TAPE RECORDERS, CAMERAS, NOTEPADS AND PRESS PASSES

This will help deter police harassment and, if it occurs, provide you with a record of it. It will also help you to document and celebrate any victories in gaining your aims.

If you are journalist, bring your press pass. It can help you get access to sites and information that authorities are trying to keep from the public eye. It's amazing how humanely officials can act when they know that others are watching.

2) STAY IN CONSTANT TOUCH WITH SQUATTERS WORLDWIDE

This cross-fertilizes strategies and helps you decide what may work or not locally. It also builds morale, especially when authorities are trying to discredit you and threatening arrests to scare off supporters.

Nowadays, the Internet is an excellent link to other squatters in a world where over a billion people are houseless--even in wealthy nations.

Homes Not Jails (Boston chapter) homepage is a good place to start, at:

<http://www.geocities.com.CapitolHill/7996/>

3) GIVE EVERY PARTICIPANT AN "EVICTION ALERT PHONETREE"

The list should include contact phone numbers for the news desks of alternative and mainstream media--local TV, newspapers and radio, plus wire services such as United Press and Reuters. Don't forget college papers and radio stations.

Also include contact numbers for supporters to mobilize quickly if arrests occur. Perhaps you can find progressive members of City Council, clergy or other "notables" to promise to be arrested if you are "evicted" from the site.

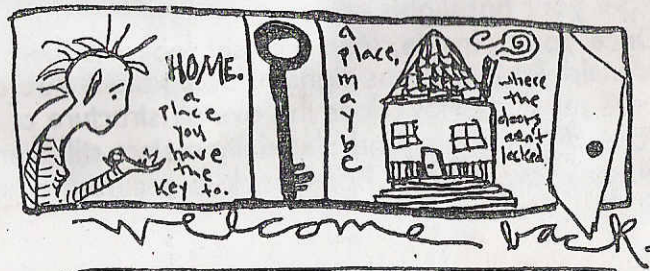
But make sure they do not take over and coopt your aims. (For more on this, see point 6.)

It is important to find out who owns the property. You can do this simply and easily by calling the county assessor's office and giving them the address of the place - they will tell you who owns it, when the last title transaction was, how much it's worth, and whether or not the taxes are up to date.

It can sometimes take quite sometime for owners to realize that anyone is occupying the house, anything from a few hours to a day, a few weeks or a couple months. This time should be used for getting the house together, fixing things up, checking the wiring and water, etc. If the water is off at the taps, find the main and turn it back on, after checking the pipes. If it still doesn't work you can call the water provider to have it turned back on. If the plumbing doesn't work, you can use hoses and clamps temporarily, and a bucket shitter is an easy way to make a composting toilet. It's a good idea to get services such as electricity and gas on as quickly as possible, so you can cook and maintain a life at your new home. Before and after pictures of the place can be useful.

Change the locks and secure the house. Most barrel locks are easily replaced with a few tools (screwdriver, hacksaw, pliers, etc.) and are available from hardware shops. Deadlocks may have to be sawn off and replaced totally - these cost more but are more secure. Doors or windows that can't be immediately repaired can have boards nailed on them to provide temporary security.

Try to keep the house occupied constantly for the first few days and weeks or until you come to some agreement over remaining there with the owner. Get support from other squatters, friends, neighbors and others in the local area.



have been planted where formerly there were concrete parade grounds. Most of the structures have been carefully repaired using secondhand materials, and some new dwellings have been built. It is a haven for artists and musicians and many businesses have sprung up, e.g. furniture restorers, a blacksmith, a large theater group, restaurants, a bakery and numerous bars. The Free Town has also spawned its own post office, kindergarten, clinic and communal bath house. One of the few rules is that cars are not allowed in and most Christianites walk or ride bikes. The Christianites have no appointed leaders, there is a decentralized structure by which the settlement is divided into districts, each of which deals with any local problems or conflicts. Problems affecting the whole of Christiania go to an open meeting of the whole community, and decisions are only made by consensus. Various working groups exist to deal with particular aspects of community life like information, cleaning up, tree planting, fire protection, festival organization and so on.

Not surprisingly, squatting is not confined to the global north; as much as one tenth of the world's population is housed in urban squatting communities. Almost all major cities in Asia, Africa and South America have vast squatter settlements on the outskirts. Migrants flood to the cities from the countryside in search of work and initially sleep outside or find somewhere with relatives or friends. The only way that they can get reasonably permanent roofs over their heads is by building shacks for themselves on unused land at the edge of the city. In many cases, the vast number of squatters and the lack of alternatives have compelled reluctant authorities to recognize squatter settlements and grudgingly to help provide water supplies, electricity and drains. Before this, living conditions are often appalling, and the installation of services is a turning point in the battle for a reasonable place to live. The squatters then continue gradually to improve their houses and slowly the settlements become an established part of the city. This process is mainly confined to the third world, although it also occurs on the peripheries of Southern European cities like Athens, Madrid, Lisbon and Naples and in bidonvilles outside Paris.

Nor is modern-day squatting limited to small urban plots of land and buildings. One of the most well-known and successful current land occupation movements is Brazil's Movement of Landless Rural Workers (Movimento sem Terra, or MST.) Since its inception in 1984, MST has occupied huge tracts of unused rural land, winning homes for some 150,000 families.

Here in the States, low-profile squats are common enough in big cities. Although they've historically often been less visible than their European counterparts, since in most places we don't have the benefit of any legal protection, the last few years have shown increasing success for squatters. New York in particular is known for its clusters of squatted buildings, especially on the lower east side - according to information compiled by New York City's department of Housing Preservation and Development, and obtained through use of the Freedom of Information Act, there are at least forty squatted homesteads in the city. In August 2002, in a surprisingly pragmatic and just resolution to the battles between squatters and the city, the NYC government finally gave in and sold 11 buildings to their (illegal) occupants for \$1 each.

Boston, D.C., and San Francisco all boast chapters of Homes Not Jails, a coalition of squatters, homeless persons, and housing-rights advocates who work together for fair, accessible housing - primarily through the direct-action tactic of squatting unused buildings, both publicly and covertly.

Olympia has its own little-known squatting history. Like many areas in the 1920's, Olympia's economy and that of the surrounding area suffered. Unemployed workers, immigrants and tramps began to cobble together float houses and shanties near the Capitol buildings, along what was then a tidal slough of Budd Inlet and the river mouth of the Deschutes (in the early fifties it became Capitol Lake). The shantytown was dubbed "Little Hollywood." It started near Fifth Avenue and Water Street and extended southward for about four blocks, numbering about 97 homes - some on pilings, others on float logs as well as a few on dry land. The residents even set up a makeshift water system using the artesian wells in the lake bed. A jerry-rigged system of pipes sent water throughout the camp. Plank walkways connected many of the shanties.

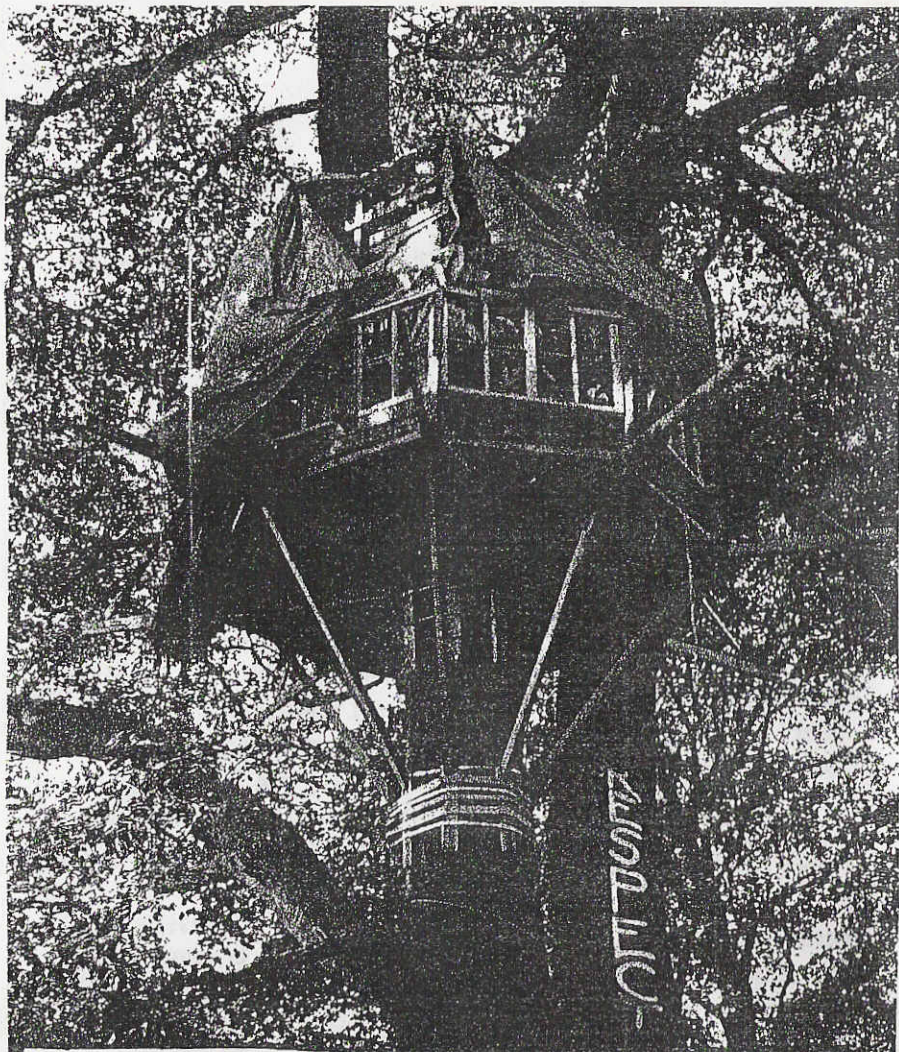
...IF I WANT TO SQUAT, HOW DO I DO IT?

First of all you need to figure out what kind of squatting is most appropriate for the area you live (or want to live) in. Get an idea of what buildings are empty, what the demographics of the area are, what the weather is like, what the local laws and temperament are. Every squatting situation is unique, and for now, we'll just talk about one of the most common situations - squatting abandoned houses.

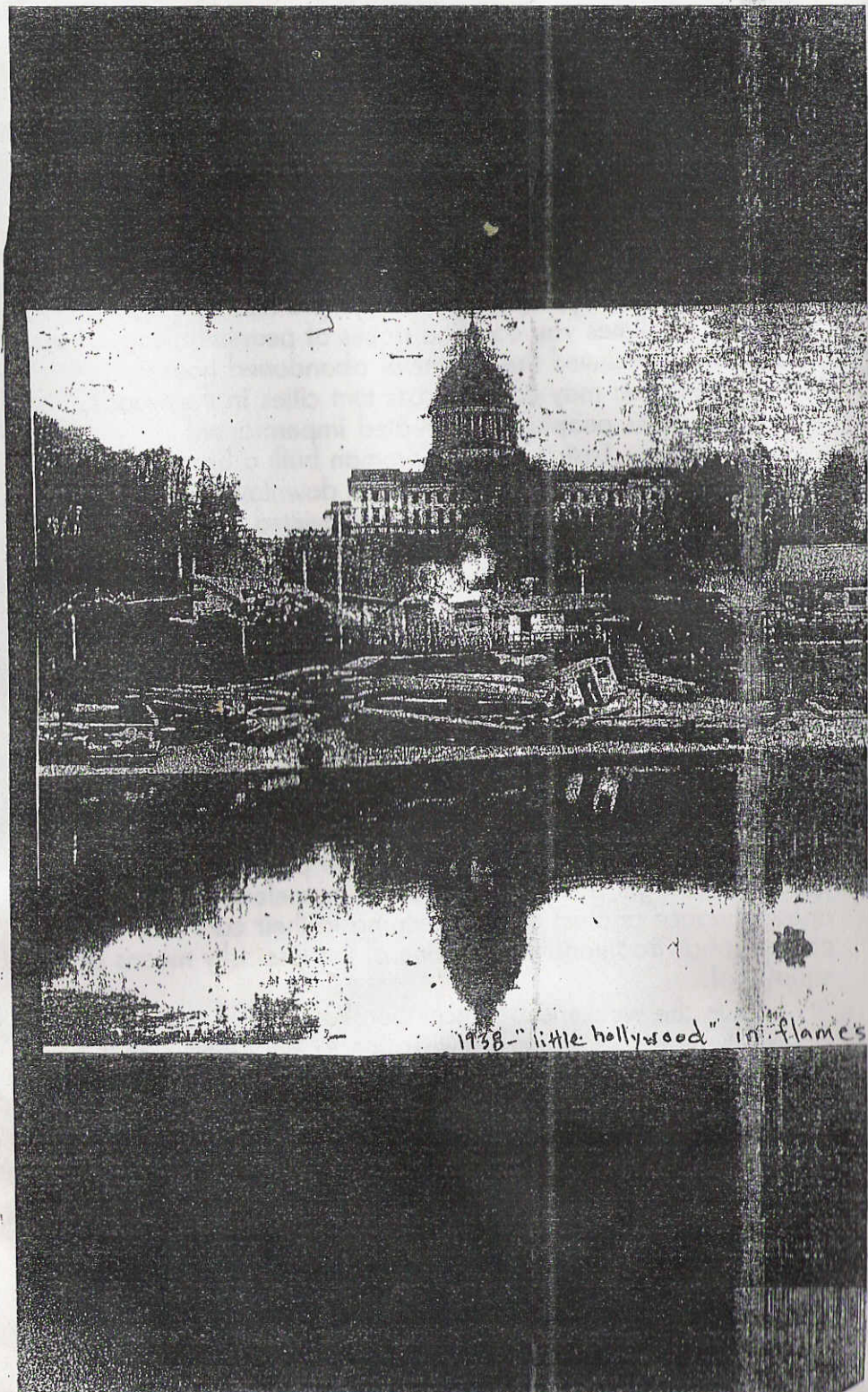
Finding empty houses is generally pretty easy. It's best to go during the daytime for your first investigation. Try to look and act inconspicuous - don't carry any tools that might be used in breaking and entering. You can look for an unkempt lock, mail oozing out of the mailbox, an overgrown garden, power off (check the electricity meter to see if the power is on), broken windows and doors, graffiti, vandalism, etc. Knock on the door to make sure that no one is living in the house, even if it looks run down (sometimes people can't get out to mow or get their mail).

You will probably need to come back at night to get in if there are nearby neighbors, so check out possible entrances - is that a wooden door that would be easy to crowbar around the back? Is that door only locked with a padlock you could snip? What about the windows - could you slip the latches with a blunt flat knife? Even if the ground level windows are boarded up, higher ones might be doable with a ladder. And sometimes, getting in can be quite easy; often broken windows or doors previously forced by other visitors provide access. When you go to crack a squat, it's best to take a friend, and to stay alert and quiet. And don't forget your flashlights.

Once you're inside, take a closer look - is there thick dust inside? No obvious signs of occupation? Are any floorboards missing? How does the overall structure of the place look? Are the gas and electricity meters still there? You need to know what to bring back to secure the house and fix it up if necessary.



"And this is the beginning of particular interest, buying and selling the Earth, from one particular hand to another, saying "This is mine," upholding this particular propriety by a law of government of his own making, and thereby restraining other fellow-creatures from seeking nourishment from their Mother Earth. So that though a man was bred up in a Land, yet he must not work it for himself where he would, but for him who had bought part of the Land, or had come to it by inheritance of his deceased parents, and called it his own Land. So that he who had no Land was to work for small wages for those who called the Land theirs. Thereby some are lifted up in the chair of tyranny, and others trod under the footstool of misery, as if the Earth were made for a few, and not for all men."



The residents of Little Hollywood were social riffraff, known for their resourcefulness, their bootlegging, and the agility with which they navigated the net of thin planks that wove the structures together (often inebriated, rumor has it). Their sojourn on the mud flats made up one of the most colorful chapters in Olympia's history, spanning a little over fifteen years. It ended in 1938, when the entire community was evicted, and their shacks were burned to the ground.

More recently, squatting in Olympia has been less visible. Sometimes you can find traces of people having temporarily borrowed the shelter of abandoned houses. Other times, you may come across tent cities in the woods, where homeless people have created impermanent neighborhoods. Last summer, a woman built a beautiful tree house in a small section of forest near downtown. She lived there for several months before being evicted, and down the path from her a small band of homeless people set up their tents and cooked and ate communally.

Last winter, on the west side of Olympia, a cottage was openly squatted for almost five months. When the squatters were discovered by the owner, a tacit agreement was worked out which allowed them to stay. Eventually, an unfriendly neighbor called upon the police to evict them.

Most squats, however, remain secret. Neither Washington State nor the municipality of Olympia offers any special legal protection to squatters. In fact, there have been several proposed ordinances in the past year which specifically target poor people and the homeless, including one ordinance against people sleeping in their cars (car camping has traditionally been one of the less risky means of squatting).

On the weekend of December 13th, 2002, we will open Olympia's squatting conversation to the public, along with the doors of an abandoned house. We will stay there for two days to have discussions and free workshops related to squatting, and to enjoy each others' company, entertainment, and good cooking (not to mention shelter from the rain). It is our hope that the house will be full of squatters, potential squatters, and supporters of squatters, whether they are there because of their ideals or because of necessity. It is our hope that some of these people will be the co-authors of the next colorful chapter to go down in Olympia's history. Pick up your pens and crowbars, and bring along the skillet and hammers.

In most cases, though, the first complaint will actually come from a neighbor who's suspicious. In such a case, having documentation is doubly valuable. But also gently remind the police that they need some type of complaint from the owner to evict you as a trespasser. You might even call their bluff and provide the police the name of the owner and ask them to call him.

Long-term Rights: Adverse Possession

Squatting can actually lead to the total legal possession of the housing, through what's called "adverse possession."

Sometimes, squatters get lucky and find a squat which the landlord seems to have really abandoned. Police and neighbors have been dealt with successfully and after many months the landlord still hasn't complained or been seen. In that case, squatters might start laying plans for gaining adverse possession. Generally, the law says that a claim to adverse possession can be made after five years of possession and after the adverse possessors have paid the taxes on the property. Adverse possession has been interpreted to mean "open and notorious" possession, in the sense that the squatting has been done on a level where the squatters' presence is not hidden and the landlord could have reasonably gained knowledge of the possession. (In other words, squatters who arrive at midnight and clear out by 5 a.m. every day for five years might not meet the requirements of "open and notorious.")

When a squatter gets into the position where adverse possession becomes a possibility, the greatest hurdle is often the payment of taxes, mainly because the landlord can pay the taxes on the 364th day of the 5th year and defeat the squatter's claim to adverse possession (which is exactly what happened at a San Francisco squat in the 1970s). If squatters begin getting a substantial length of possession under their belt, it's imperative that they begin saving up to pay the taxes in order to finalize their claim.

should not presume a person to be a trespasser." If the burden is shifted back to the owner, that means the police will tell him it's a "civil matter" and must be addressed in court (i.e., through a formal eviction).

When squatting, people should anticipate that there will be some type of encounter with the police at some point and should immediately begin preparing for this.

The first thing to do is to make it look more of a home than a squat. Getting some furniture and possessions inside helps a lot. If the police come by and see that you're cooking dinner, reading or watching television they're much more likely to buy an argument that you have permission to be there and are really tenants. If it obviously looks like a squat you're just crashing in for the night, they're likely to ignore their training and procedures and will be happy to haul you off to the station "and let god and a judge sort it out later" (as one officer told squatters).

The second thing to do is to get some utilities legally in your name and get some mail sent to your squat. At first, squatters often do whatever is necessary to get the electricity and water working, but once you have an idea the squat might be a solid one, it's a good idea to get them turned on legally in your name. This is relatively easy, since most utility companies don't assume you're squatting and won't ask for any proof of tenancy. You should also have some mail sent to you and arrange for services like telephones and cable TV if you can afford them. Doing all this will give you a fistful of paper to show the police and raise serious doubts in their mind as to whether or not you're actually a trespasser.

If you have a place looking like your home and have some mail and utility bills, you're likely to be successful in a face off with the police, even if the owner is there as well. For such a face off, it's also a good idea to have all your legal arguments down: "Mr. Smith has been letting us live here to keep an eye on the place and fix it up, but seems to have changed his mind 'cause he found someone else who'll pay him money to be his caretakers."



THE LAW

Squatters have always had a close relationship with the law. In most situations, squatting is clearly a victimless crime; the laws it violates are considered crimes against property, not against people. British squatters take advantage of laws which definite trespass as a civil infraction, which means it's out of police jurisdiction until the actual owner files a complaint.

Here in the U.S, however, we can be arrested simply for being on someone else's property without permission. Squatters are most likely to be charged with criminal trespass, a gross misdemeanor, although some states may accept the building's abandoned status as a defense against this charge. We may also get stuck with a more serious break and enter charge if we incur damage to the building while entering. Relevant laws vary between states and cities; some municipal laws give occupants rights to squatters after 30 days of visible occupation.

In some places, there are local and state laws which provide a person with tenants rights after thirty days, but these are applicable only to traditional rental situations. They do not cover squatting (except indirectly, as will be described), and some people familiar with the thirty day residency requirement for tenants' rights in residential hotels mistakenly think this is applicable to squatting as well. (There are a few cities which do have true squatters' rights which take into account the facts that the squatter is not paying rent and may not have the permission of the landlord). The first step to acquiring some sort of squatters' rights is to try to obtain tenants' rights. Until some level of tenants' rights are acquired, the squatter is technically a trespasser.

Getting Tenants' Rights For Squatters

Getting tenants' rights as a squatter is difficult but it's not impossible, and early on what's most important is at least acquiring the appearance of tenants' rights, since the most basic aspect of a tenant is that she is someone the police won't arrest as a trespasser.

There are two basic problems squatters have in gaining tenants' rights:

- They are not paying any rent.
 - They are living there without the landlord's permission.
- But as impossible as it seems to get past these hurdles, it is doable.

First, rent does not necessarily have to be cash. Sure, that's the most common, but rent is also frequently paid through labor (resident managers, caretakers, etc.). What makes a rental contract is "consideration:" that is, you are getting housing in exchange for something (usually money), but in the case of squatting, squatters need to realize that they are getting the housing in exchange for watching over it, making repairs, cleaning it up, etc.

Second, the landlord's permission does not necessarily have to be explicit permission or written down. A rental agreement can be written, oral or implied by the conduct of the landlord. Thus many squatters have found themselves in a squat which the landlord has known about and has given up (for whatever reason) trying to get rid of them. Squatters can make an argument that, when discovered by the landlord, they made an oral agreement with him to live there in exchange for maintenance and security of the property. (One Homes Not Jails squat was successful in establishing such tenants' rights and even successfully fought the landlord's attempt to demolish the housing to build condos.)

But probably the first and most important step is to create the appearance of tenants' rights. This is pretty easy and can forestall actions to evict you as a trespasser, giving you time to establish more solid rights (as described above).

Creating the appearance of a tenancy is based first on the fact that police are not supposed to arrest you as a trespasser unless they are acting on the complaint of the property owner. More importantly, police training in a trespassing situation instructs them to first determine if the person may be a tenant. Police are instructed to ask for rent receipts, utility bills or mail at the address. Police Training Bulletin 84-05 says: "If any material showing a right to possession is produced, however arguable it may be, the burden shifts to the property owner or agent to prove the elements required for a trespass violation . . . members