



**Squatting as Direct Action,
Human Right & Justified Theft**

by Erin Wiegand

11.12.04

IT'S A COLD, WINDY NIGHT IN SAN FRANCISCO, and three men are about to take shelter in a vacant apartment building. One of them digs a crowbar and bolt cutters out of his backpack; another keeps a careful eye out for police or passersby. In a matter of seconds they've snipped off the lock and opened the door. They survey the house, looking for any signs of occupancy or renovation—newspapers or mail, paint buckets or ladders. Satisfied that the house has been empty for some time, they relax and settle down for the night. Tomorrow, they'll put a new padlock on the door, and set about fixing up their new home.

Thousands of miles away in Amsterdam, 50 young people have set up a barricade outside the front of a large building. The police, in full riot gear, file out of their vans and form a line opposite them. Inside the house, the doors have been reinforced with sheets of scrap plywood. The last remaining people in the building pour bottles of vegetable oil down the stairs in order to slow the cops down. Outside, the police raise their batons and charge the house.

All over the world, at different moments in history, people have challenged the idea of land ownership by taking over unused property and putting it to use. Though the exact origins of the term "squatter" are unclear, it has been used for centuries to describe a person who has settled on land (or moved into a house) without legal title to the property. Squatting differs greatly from city to city, and from country to country. In North America and Europe, squatting generally entails taking over already existing buildings (urban squatting); elsewhere in the world, squatters build tents or shantytowns on a piece of land that they farm or graze (land occupation). In many countries, squatting is a crime. In others, it is regarded as a civil conflict between the owner and the squatters—in almost every case, the courts have ruled in favor of the property owner.

Squatters see the capitalist view of real estate—an investment opportunity rather than a basic human need—as fundamentally flawed. By opening up buildings that are left unused, squatters feel they are providing a public good. Whether housing themselves or other homeless people, squatters believe they are making a small bridge in the gap between the rich and the impoverished, the landowner and the peasant. Squatting is both a means of survival and a political act.

Squatting as Political Statement: Amsterdam

Perhaps the most common image of a politically motivated squatter is that of a young urban white male—probably from a middle-class background, probably a punk. And to some extent, the stereotype is accurate. In Western, urban environments, squatters occupy buildings in order to make a statement about the nature of property, not because it is necessary for their survival.

These squatters often have well-established networks of available houses, and organizations that assist squatters in opening buildings. More often than not, they are involved in other activist scenes as well.

Amsterdam, like other large European cities, has a prominent squatter movement. At any given time, there are several thousand squatters living there, occupying hundreds of buildings. While most of them are young, older squatters—in their 40s or 50s—are part of the scene as well. Many squatters have jobs or attend school. Most of the squatters are Dutch, but the prevalence of squats in Amsterdam attracts people from all over the world: Poland, Italy, Australia, Canada, America. Squats in Amsterdam can last a few months or a few years. Several squats have been in existence since the early '80s, having since been bought by the people living there. These are known as "legalized squats," which are technically no longer squats—they've been paid for—but are still considered a part of the squatting scene because of the residents and the history of the building.

According to Netherlands law, a building can be squatted legally if it has been empty for at least a year. Squatters will first find buildings that appear empty, and compile a list. Next, the squatters find out if each building really is empty and—just as important—if there are any plans for the building to be renovated or torn down. This information can be found through several city departments, including the Stedelijke Woning Dienst (Housing Department), the Kamer van Koophandel (Chamber of Commerce) and the Bouw- en Woningtoezicht (Building Inspection Department). When they've narrowed down their list, they set about finding out who the landlord is, and where he or she lives—this information can be found at the Kadaster, or Land Registration Office. After gathering enough information on a particular building, squatters may choose to go to the Kraakspreekuur, a squatter-run organization that helps people open buildings and set up new squats. Squatting without the assistance of the Kraakspreekuur is known as "wild squatting," and is generally frowned upon; wild squatters typically don't contribute much to the larger squatting community, and will not assist other squatters in need of support.

The Kraakspreekuur holds squatting actions at least once a week. A group of people goes to a potential squat, breaks into the building and brings in a bed, a table and a chair—a "squat set," the established minimum of possessions a person is supposed to have in a residence to be considered living there. Should any one of these three items be absent at the time the police arrive, the occupants may be evicted immediately.

If the police haven't already arrived, the squatters will call them to come inspect the building. If the police are satisfied that the squat is legal—that the house has been empty for some time, and that the squatters intend to live in it—they will file a report on the squat and then leave it alone until the landlord decides to intervene. If, on the other hand, the police arrive before the squatters have entered the building, or while they're in the process of breaking in, they'll arrest the squatters on charges of trespassing or breaking and entering. "It can be a matter of 15 seconds," says Lucas, an American squatter living in Amsterdam. "If you don't break the door, but you're trying to, they'll arrest you; if you break the door and get inside, they're nice to you." Having the police file a report on a squat has definite benefits: By recognizing the squat as legal, the police force the landlord to go through civil courts to dispute the squatters' claim to the building. This process can take weeks or months, and the owner must prove that s/he intends to use the building; until then, the police will generally refrain from intervening. If court rules in favor of the owner, some squatters will simply abandon the building; most, though, will remain as long as possible and force the landlord to evict them. After getting an eviction order from the court, the landlord usually needs to enlist the police and thus foot the bill, which can be thousands of euros. Eviction waves—during which the police forcibly evict a number of squats on the same day, or a few days in a row—occur several times a year. During eviction waves, squatters who have been notified beforehand if they are on the list to be evicted will move from one squat to the next to slow down the process. Forty or 50 people will usually show up to help barricade the doors and

make it as difficult as possible for the police. While the police may use violence, very few people are arrested; the police's primary concern is to get people out of the building.

In addition to creating a public demonstration against eviction, the barricades have a practical purpose: If the police can't get to all the squats on their list, those that are left will be put off until the next eviction wave. Once a squat has been evicted, anyone who moves in within six months will automatically be evicted. But if the landlord has still done nothing with the property after the six months are up, the building may make an even better squat; the more times a building is squatted, the less likely a landlord will be to spend money on an eviction.

Once a squat has been established, residents usually have a lot of repair work to do. In many cases, this will include installing plumbing, fixing gas pipes and rewiring electricity. Some squats are able to steal electricity by splicing wires from lampposts and running them into their own building. Because the squatting community here is so robust, there are squat plumbers, squat electricians and the like. "People just sort of have knowledge in certain areas," Lucas explains. "When you need help, you just ask around—someone will know someone who can do it. They'll help you, but you have to help them do it, and in the process you learn how to do it yourself."

According to Pike, another squatter, most neighbors are at least sympathetic to squatters—and, at best, appreciative. If approached by squatters interested in a particular vacant flat in an apartment building, tenants will sometimes provide them with a key to the building. In most cases where squatters are able to move into individual apartment units, the flats have been evicted and/or intentionally kept empty because the owner intends to demolish the building. The remaining tenants are often glad to see squatters move in, because it will help fill the building (and likely postpone the demolition) and simultaneously draw political and media attention to the situation—which is usually one of low-income residents being evicted to make way for a new, more expensive building. "The sooner they can evict people," explains Pike, "the sooner they can demolish it. The tenants know that squatters will help fill the building and keep it from being torn down."

Squatting for Shelter: Homes Not Jails, San Francisco

On the whole, urban squatting in America is more difficult than it is in Europe. Few cities have been able to sustain squatting movements similar to those in Europe, and even fewer cities have seen squats that lasted longer than a few months. In San Francisco, squatting is a particularly difficult endeavor. With high property values and little available space to build, landlords tend to cling firmly to their property; it's the rare building in San Francisco that is truly abandoned. Still, San Francisco is home to a unique contribution to squatting movements worldwide: Homes Not Jails.

Starting in 1992, Homes Not Jails sought to create an organized squatting movement, one that worked for the express purpose of creating housing for the homeless. While the underlying political theory is the same—that renting and selling real estate should not be done for profit—Homes Not Jails differs from the more political squatting "scene" in that it focuses on finding shelter rather than making a statement about the morality of property. While the organization's activity has fallen off recently, Homes Not Jails has housed thousands of people since its inception, in squats that have lasted from one night to six years. During the height of squatting activity in San Francisco, there were as many as 500 people squatting at various locations throughout the city.

Homeless squatting is primarily about getting a roof over one's head, and, generally, homeless people would approach Homes Not Jails with only a vague idea of how to squat a building. Those with more political leanings, says Ted Gullickson of the San Francisco Tenants Union (which is affiliated with HNJ), usually knew how to do it themselves. "What we attracted were people who thought about squatting because they were living on the streets and seeing vacant buildings—people who wanted to squat, but didn't know how to do it."

At its peak, Homes Not Jails opened up between one and six buildings a week. Like in Amsterdam, HNJ activists would simply look around neighborhoods for buildings that appeared vacant. They would then determine who owned the building, where the landlord lived and if there were any plans for the property. If a landlord lived close by, it was unlikely that squatters would go unnoticed for long—the best bet for a squat was a building with an out-of-town landlord. If possible, HNJ would try to find out why the building was vacant, utilizing public records and asking neighbors. If they found that the landlord wasn't living next door—and the building hadn't been condemned because of asbestos—they would then enter the building and look at the shape it was in. Signs of renovation—paint cans or tools—were a signal that the building would not make a good squat, as were any indications of someone having lived there recently, such as mail or recently dated newspapers.

Once a building passed their inspections, HNJ would put a new lock on the door, and would—ideally—let the building sit for a week, keeping an eye on it to see if anyone had come by and noticed the change. Then people would move in. According to Gullickson, Homes Not Jails has opened up about 500 houses, 95% of which have lasted six months or less. In a few cases, squats have lasted for two, three or even six years.

Most of the buildings available for squatting in large American cities are what's known as "speculatively empty," meaning that the landlord is intentionally holding them empty until the property value of the neighborhood goes up. Typically, such buildings are found in neighborhoods that are slowly being gentrified. Squatters can expect mixed reactions from neighbors, depending on the neighborhood itself. In homeowner neighborhoods, for example, people are generally more attentive to vacant buildings, are more likely to know who owns them and are more aware of new people moving in. In rental neighborhoods, squatters are more likely to be met with either acceptance or disinterest. Often, Homes Not Jails—which spawned chapters in Boston and Washington, DC—would encourage squatters to meet their neighbors, although not necessarily to introduce themselves as squatters.

Squatters have few defenses against eviction—but one of the strongest is the fact that police are trained to give the benefit of the doubt to occupants who can produce some sort of evidence that they are legitimate tenants. This might include mail coming to the apartment, or utilities hooked up under a squatter's name. Some cities are more explicit about this than others, of course. According to a San Francisco Tenants Union police training bulletin, "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 should not presume a person to be a trespasser." In practice, however, the police act as judge and jury when push comes to shove. If, for whatever reason, the police decide to evict a squat, there is little the squatters can do except leave.

In rare cases, squatters have won legal rights to their buildings—this has primarily succeeded in New York City, with the use of a set of laws called "adverse possession." The principle of adverse possession is that a person, or group of people, can lay claim to a property if they pay property taxes and can prove "open, notorious and continuous possession" for a certain number of years. The exact details of the law vary from state to state; the number of years a person must occupy a piece of property ranges from two years in Arizona to 30 in New Jersey.

In practice, proving a case of adverse possession can be extremely difficult. For squatters, one of the most challenging aspects is to maintain continuous possession of a building for five or ten years. Continuous possession, though it has some room for interpretation by the courts, generally means that someone must be living in the building at all times; if the landlord can prove a vacancy of the house for even a day, the claim to adverse possession will probably be defeated. Paying the property taxes on the building can be another problem. Not only can the taxes be extremely expensive, but an owner might decide to let their taxes go unpaid for several years (the interest accrued on property taxes is, in many states, not terribly worse than on credit card

debt)—but will then suddenly pay the taxes, perhaps just before a squatter was ready to make her claim of adverse possession. If an owner pays the taxes just one day before a squatter's ten years of continuous possession are up, the case will undoubtedly be lost.

Is Squatting Theft?

Why, the landlord asks, would there be any question about the nature of squatting? Obviously, it's a violation of property rights. When a person owns something, and someone else uses it without their permission, it would seem fairly clear that such use entails theft. After all, why should a person be allowed to use property that they did not work for or earn in any way? Squatting, however, involves a radical revision of the notion of property rights. Squatters argue that owners of vacant houses are neither working nor earning, but wasting.

Property, in its most basic form, is simply land taken from the commons by a person who claims some sort of rights to it by virtue of being there first and working or building on the land. In this sense, owned property does not seem to be substantially different than squatted property; squatters, like owners who actually live in and use their houses, claim property by residing on the land and by using and improving it. Unlike owners, they are (usually) not making money off it. By refusing to pay rent for housing, squatters reject the use of property as a means of making money. They believe that shelter is a basic human right, one that should not be for sale.

The question of squatting as theft is actually twofold: Is squatting a justifiable form of theft—or is it theft at all? Should squatting be considered a crime, or is the bigger crime denying shelter to those in need? According to Ted Gullickson, the real theft is letting property sit vacant in order to make a profit. "In a city [with] an extreme housing crisis, it should not be possible to just sit on a piece of [unoccupied] real estate because you can make more money off of it."

Anders Corr would agree. A former squatter and author of *No Trespassing: Squatting, Rent Strikes and Land Struggles Worldwide*, he argues: "By taking vacant land and housing, squatters exhibit not selfishness but their right to survival." Squatting is much more than an individual grab for free housing; it is the reappropriation of property for a use other than making profit. It is a means of obtaining shelter that harms only those who own (or take) more land and housing than they can actually use, and who then leave it vacant in the face of homelessness, unemployment and starvation. Says Corr, "If life is justified, squatting is justified." [L i P]

So You Want to Squat a Building

Some Tips for Finding a Free—If Temporary—Place to Live (nb United States)

- FIRST, PERUSE A NEIGHBORHOOD and look for buildings that appear unused or run-down. Some of the best places to begin your search are neighborhoods that haven't been gentrified yet—places where the owners are less likely to have an interest in renting their property to tenants. Make a list of potential houses and observe them closely: Does any light come on at night? Are the windows boarded up or broken? Are there any signs of renovation in process? If you see any mail or newspapers on the porch, check the postmark or date to see how long it's been sitting there.

- If you believe that you have found a truly empty house, the next step is to find out who the landlord is, where he or she lives, how long the building has been vacant and why it was vacated in the first place. Much of this information is available at City Hall—check at departments such as the assessor's office, city planning or building inspection. Use your judgment about how squattable a building is. If it hasn't been empty for long, and the landlord lives nearby, you may want to think twice before moving in.

- Break in. Plan in advance: Bring a group of people with you, and be ready to make some immediate improvements, such as putting new locks on the doors or securing windows. Try to do as little damage to the house as possible—before prying the door open with a crowbar, check for other ways in. Some door locks can be unscrewed or popped open with a credit card; windows may be loose in their frames and can simply be pulled out. Above all, be discreet. If you end up making a lot of noise, you may want to leave and come back later.
- Once inside, make sure the house is secured. Change the locks or put temporary padlocks on the doors. There are do-it-yourself lock-changing kits available on the internet or at hardware stores. Check in the library for home repair manuals, which will show you how to rekey a lock by yourself. Make any other improvements you can—the more homelike it looks, the less likely you are to arouse suspicion. Set up utilities in your name: water, gas and electricity.
- Meet your neighbors. In many cases, neighbors living near a previously run-down old house will be happy to see people living in it and improving it.
- Eventually, you will have a run-in with the police. Technically, a squatter should not be arrested for trespassing unless the police are acting on a direct order from the landlord—squatting is a civil matter, not a criminal one. If the police arrive at your squat, do not let them in unless they have a warrant. Also, unless they have an order to evict you, they may give you the benefit of the doubt if you can demonstrate some evidence of being a legitimate tenant: mail coming to the house, for example, or utility bills in your name.
- If the owner decides to evict you, there is little you can do. You might enlist the support of neighbors and the local press to publicize your eviction; while this probably won't stop you from getting evicted, it may buy you more time. If you've lived there for a substantial period of time, look into your state's adverse possession laws.

Author: Assistant Editor **Erin Wiegand** lives in San Francisco, where she grudgingly pays rent.

From Lip Magazine : Media Dissidence & Uncivil Discourse Since 1996
www.lipmagazine.org