

SERVICEMEMBER RESIDENCE PROTECTION ACT

SEPTEMBER 9, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BOST, from the Committee on Veterans' Affairs,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2334]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans's Affairs, to whom was referred the bill (H.R. 2334) to amend the Servicemembers Civil Relief Act to preempt any squatter's rights established by State law regarding real property owned by a member of the uniformed services, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Servicemember Residence Protection Act”.

SEC. 2. SERVICEMEMBERS CIVIL RELIEF ACT: TOLLING OF PERIOD OF ADVERSE POSSESSION.

(a) IN GENERAL.—Section 206 of the Servicemembers Civil Relief Act (50 U.S.C. 3936) is amended by adding at the end the following new subsection:

“(d) TOLLING OF PERIOD OF ADVERSE POSSESSION.—The period of a servicemember’s military service may not be included in computing a period of adverse possession of such servicemember’s real property.”.

(b) WEBSITE.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall update the website of the Department of Veterans Affairs regarding such Act to include information and resources regarding—

- (1) how a member of the uniformed services may secure real property while absent for a period of military service;
- (2) leasing real property; and
- (3) landlord-tenant rights and obligations.

PURPOSE AND SUMMARY

H.R. 2334, the “Servicemember Residence Protection Act,” was introduced by Representative Brian Mast of Florida on March 25, 2025. The bill, as amended, would exempt a servicemember’s absence due to military service when computing a period of adverse possession. Additionally, the bill would require the Department of Veterans Affairs (VA) to update the VA website with information related to securing real property during military service and leasing and landlord information that may be useful for servicemember and veterans.

BACKGROUND AND NEED FOR LEGISLATION

Section 1: Short Title

This Act may be cited as the “Servicemember Residence Protection Act.”

Section 2: Servicemember Civil Relief Act: Tolling of Period of Adverse Possession

In 2003, Congress passed the Servicemembers Civil Relief Act (SCRA) to address the growing deployment of Reserve and National Guard members. This legislation served as an updated and consolidated version of the protections and rights previously afforded to deployed servicemembers under the Soldiers’ and Sailors’ Civil Relief Act of 1940 (SSCRA).¹ Congress then and now acknowledges the need to safeguard the legal interests of servicemembers whose military service affects their ability to fulfill certain obligations.

The SCRA supports national defense by allowing servicemembers to focus on their military duties without the burden of adverse legal actions. It temporarily suspends specific judicial and administrative processes that could jeopardize the deployed

¹ The Servicemembers Civil Relief Act (SCRA): Section-by-Section Summary.

servicemember's rights and financial stability.² While the SCRA does not forgive debts, or grant blanket immunity from lawsuits, it protects servicemembers from default judgments and claims that could arise during service. Courts are expected to interpret the SCRA generously for servicemembers, though they can deny relief in some cases. Each branch of the military is also required to inform servicemembers about their rights under the SCRA prior to a deployment.

The SCRA offers key protections for reservists activated during national crises, career military personnel, and their families. The law includes safeguards against eviction, life and professional insurance cancellations, taxation in multiple locations, custody loss during deployments, property foreclosure for unpaid taxes, and loss of rights to public land.

Additionally, the SCRA prohibits lienholders or lessors from seizing servicemembers' property without a court order and allows them to terminate leases without penalty. It places a toll on statutes of limitations for servicemembers during their service and permits them to seek court relief for pre-service obligations. They may also initiate legal action to enforce their rights under the SCRA, with the Attorney General being able to pursue violations that raise significant public issues.

The Committee advanced this section because it would provide additional protection under the SCRA for servicemembers who are stationed away from home against adverse possession of real property by squatters. Representative Brian Mast waived on to the Subcommittee on Economic Opportunity Legislative Hearing to provide oral remarks on his bill, H.R. 2334, the "Servicemember Residence Protection Act". In Representative Mast's remarks, he stated, "And while these squatters' laws they do vary from state to state, they do generally allow trespassers to claim ownership of a property if it is simply open, unoccupied, if their stay is continuous on the property. We have very specific cases that we have looked at where servicemembers have spent upwards of \$50,000, which is a tremendous amount of money for any of us on a military salary, as anybody can recognize, to try and get these people out in legal fees."³

There are several examples of Guard and Reservists being called into active duty, who have their home taken over by squatters when they return. A news story of an Army Reservist who was activated only to come home to a squatter who drove a Mercedes living in her home once she left on orders and now the individual residing in her home won't leave.⁴ An additional instance of this occurred where eleven people have been arrested for allegedly squatting on property in South Lakeland owned by a member of the U.S. Air Force while the veteran was deployed to North Dakota, according to the Polk Sheriff Police Department. While living on the servicemember's land, investigators say the squatters sold property belonging to the homeowner, trashed the property and used illegal drugs.⁵ Currently, servicemembers, National Guard, and Reservists are called into duty, and they are sometimes required to leave their

² *ibid.*

³ Squatters Have No Place In Veterans Homes—Blog—Congressman Brian Mast.

⁴ Army reservist's Texas home taken over by squatter who drives a Mercedes SUV while on active duty.

⁵ 11 arrested, accused of ransacking veteran's home in Polk County | firstcoastnews.com.

homes unoccupied. The laws governing adverse possession vary from state to state, which creates ambiguity related to the protections available under the SCRA for servicemembers who find a squatter residing in their home when they return from duty. The Committee believes this section is needed as it would provide clarity and uniformity for servicemembers under SCRA.

HEARINGS

On June 11, 2025, the Subcommittee on Economic Opportunity conducted a legislative hearing on a number of bills, including H.R. 2334.

The following witnesses testified:

Dr. Liz Clark, Acting Director, Defense Support Services, U.S. Department of Defense, Mr. Nick Pamperin, Executive Director, Veterans Readiness and Employment, U.S. Department of Veterans Affairs, who was accompanied by Mr. Thomas Alphonso, Assistant Director of Policy and Implementation, Education Service, U.S. Department of Veterans Affairs, Mr. Andrew Petrie, Senior Policy Analyst, Veterans Education and Employment Division, The American Legion, Mr. Blaze Smith, Director, Veterans Education and Transition Center, The University of Arizona, Mr. Matthew Schwartzman, Director, Legislation and Military Policy, Reserve Organization of America, Ms. Ashlynn Haycock-Lohmann, Director, Government and Legislative Affairs, Tragedy Assistance Program for Survivors (TAPS).

Statements for the record were submitted by:

Dr. Joseph W. Wescott, National Legislative Liaison, National Association of State Approving Agencies (NASAA), Mr. Will Hubbard, Vice President for Veterans and Military Policy, Veterans Education Success (VES), Ms. Julie Howell, Associate Legislative Director for Governmental Relations, Paralyzed Veterans of America (PVA), Mr. Jake Fales, Senior Policy Fellow, and Hannah Miller, Policy and Communications Fellow, Reserve Organization of America (ROA), Ms. Tammy Barlet, Vice President of Government Affairs, Student Veterans of America (SVA), Ms. Kristina Keenan, Director, National Legislative Service, Veterans of Foreign Wars of the United States (VFW).

SUBCOMMITTEE CONSIDERATION

On July 3, 2025, the Subcommittee on Economic Opportunity was discharged from further consideration of this legislation.

COMMITTEE CONSIDERATION

On July 23, 2025, the full Committee met in open markup session, a quorum being present, and ordered H.R. 2334, as amended, to be reported favorably to the House of Representatives by voice vote. During consideration of the bill, the following amendments were considered:

An amendment in the nature of a substitute offered by Chairman Bost of Illinois. This amendment in the nature of a substitute would add a short title to the bill and include some clarifying language regarding adverse possession. This amend-

ment in the nature of a substitute, which was amended by the Takano substitute amendment, was agreed to by voice vote.

A substitute amendment to the amendment in the nature of a substitute was offered by Ranking Member Takano of California. This substitute amendment would amend the SCRA to include language exempting a servicemember's military service when computing a period of adverse possession. Additionally, the substitute amendment would require VA to disseminate information to servicemembers within 45 days of the bill being signed into law. This substitute amendment to the amendment in the nature of a substitute was agreed to by voice vote.

A motion by Ranking Member Takano to report H.R. 2334, as amended, favorably to the House of Representatives, was agreed to by voice vote.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, there were no recorded votes taken on amendments or in connection with ordering H.R. 2334 as amended, reported to the House. A motion by Ranking Member Takano of California to report H.R. 2334, as amended, favorably to the House of Representatives was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are to update the law to protect the real property of servicemembers from potential squatters while they are away on active duty.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 2334, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 2334, as amended, prepared by the Director of the Congressional Budget

Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 2334, as amended, provided by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

H.R. 2334, Servicemember Residence Protection Act			
As ordered reported by the House Committee on Veterans' Affairs on July 23, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	*
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply? No	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Mandate Effects	
		Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 2334 would amend the Servicemembers Civil Relief Act (SCRA) to exclude the period of time that a member of the armed forces serves in the military from a state's or other jurisdiction's calculation of a period of adverse possession. (That is, the determination of the period of time after which the service member may lose ownership of their real property to another person who possesses the property.) Because those property rights do not directly implicate the federal government, CBO estimates that the bill's changes to the SCRA would not affect the federal budget.

The bill also would require the Department of Veterans Affairs to update its website to include information pertaining to service members' property and tenancy rights. Based on similar efforts, CBO estimates that the requirement would increase spending subject to appropriation by less than \$500,000 over the 2025–2035 period.

H.R. 2334 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by preempting state laws to exclude military service from the calculation of periods of adverse possession of real property. CBO estimates that the preemption would not result in additional expenditures or losses in revenue, and therefore, the cost of the mandate would not exceed the thresholds established in UMRA for intergovernmental mandates (\$103 million, adjusted annually for inflation).

The bill does not contain private-sector mandates as defined in UMRA.

The CBO staff contacts for this estimate are Paul B.A. Holland (federal costs) and Brandon Lever (mandates). The estimate was

reviewed by Christina Hawley Anthony, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 2334, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 2334, as amended.

STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to Article I, section 8 of the United States Constitution, H.R. 2334, as amended, is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 2334, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 2334, as amended, establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee estimates that H.R. 2334, as amended, contains no directed rulemaking that would require the Secretary to prescribe regulations.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1: Short title

This section would establish the short title of the bill as the "Servicemember Residence Protection Act."

Section 2: Servicemember Civil Relief Act: Tolling of period of adverse possession

This section would amend section 3696 in title 50, United States Code by adding a new subsection (d) to add additional protection to the adverse possession clause under the SCRA by clarifying that a servicemember's military service may not be included in computing a period of adverse possession. Additionally, this section would require VA, no later than 45 days after the enactment of the bill, to update their website with relevant information related to securing real property during military service and information on landlord-tenant rights and leasing real property.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italics* and existing law in which no change is proposed is shown in roman):

SERVICEMEMBERS CIVIL RELIEF ACT

* * * * *

TITLE II—GENERAL RELIEF

* * * * *

SEC. 206. STATUTE OF LIMITATIONS.

(a) **TOLLING OF STATUTES OF LIMITATION DURING MILITARY SERVICE.**—The period of a servicemember's military service may not be included in computing any period limited by law, regulation, or order for the bringing of any action or proceeding in a court, or in any board, bureau, commission, department, or other agency of a State (or political subdivision of a State) or the United States by or against the servicemember or the servicemember's heirs, executors, administrators, or assigns.

(b) **REDEMPTION OF REAL PROPERTY.**—A period of military service may not be included in computing any period provided by law for the redemption of real property sold or forfeited to enforce an obligation, tax, or assessment.

(c) **INAPPLICABILITY TO INTERNAL REVENUE LAWS.**—This section does not apply to any period of limitation prescribed by or under the internal revenue laws of the United States.

(d) **TOLLING OF PERIOD OF ADVERSE POSSESSION.**—*The period of a servicemember's military service may not be included in com-*

puting a period of adverse possession of such servicemember's real property.

* * * * *

MINORITY VIEWS

Ranking Member Takano offered a substitute amendment to Chairman Bost's amendment in the nature of a substitute (A.N.S) to H.R. 2334 at the full Committee markup, in order to clarify that the Servicemember's Civil Relief Act (SCRA) tolls the period of actual possession necessary to establish a claim to a servicemember's real property under the doctrine adverse possession. It further requires VA to update its SCRA webpage to include resources to educate servicemembers on (1) securing their property during periods of absence; (2) leasing property; and (3) landlord-tenant rights and obligations.

Democratic members appreciate and support the intent of H.R. 2334, introduced by Rep. Mast's original bill: ensuring that servicemembers do not return home from serving their country to find squatters living in their homes and enabling servicemembers to easily remove them. However, neither the original bill nor Chairman Bost's A.N.S. effectively accomplished that goal. Further, the ability of Congress to legislate a solution to that particular issue is legally difficult, as will be discussed below. The Takano substitute amendment was drafted so as to avoid creating confusion where courts have already ruled in SCRA cases involving adverse possession by codifying existing legal interpretations of SCRA tolling provisions.

BACKGROUND

Both H.R. 2334, as introduced, and the Bost A.N.S. lack the legal specificity necessary to give them practical effect. The original bill attempts to amend SCRA (54 Stat. 1178; 50 U.S.C. 3901 et seq.) by inserting, after section 301, the following new section:

“Any State law establishing squatter's rights shall not apply to premises—

- (1) owned by a servicemember; and
- (2) occupied by a squatter during a period of military service of such servicemember”

The bill is concerningly vague because “squatter” and “squatter's rights” are terms that do not have any recognized legal meaning. “Squatter's rights” is a colloquial term that can refer to two distinct categories: (1) adverse possession or (2) eviction protections for holdover tenants and certain trespassers. Thus, a federal law preempting “State law establishing squatter's rights” would create ambiguity because it does not name any specific legal term or doctrine.

Category 1: Adverse Possession

Adverse possession is a property law doctrine which allows a possessor to claim title to the true owner's real property after having

lived on the property, made changes to the property, and behaved as the true owner would, for many years.

The elements that must be satisfied to bring an adverse possession claim vary by jurisdiction, but generally require (1) actual possession that is (2) open and notorious; (3) adverse or hostile; (4) continuous; and (5) exclusive; (6) for the statutory period.¹ If these elements are met, the possessor may attempt to claim title to the property and establish ownership through legal proceedings. Until the possessor satisfies all the elements of adverse possession, they remain a trespasser and may not claim title.²

While the exact elements of adverse possession vary by state/territory, all require that the possessor must occupy the property for a specified time period.³ The periods' lengths also vary; some states require as little as 3 years if other requirements are met, or as long as 30 years, but most states require that the possessor occupy the property for between 10 and 20 years. Most states toll the statutory period if the true owner is not able to monitor their property due to circumstances beyond their control (i.e. infancy, mental illness, and imprisonment).⁴ Tolling essentially "stops the clock" on adverse possession.⁵ Any occupation of the property while the period is tolled may not be used in computing the time period of possession for purposes of an adverse possession claim.

Furthermore, the other elements are challenging for a possessor to meet. For example, the "open and notorious" element generally requires the possessor to make their presence known.⁶ This can include building a fence or shed, planting a garden, changing the landscaping, etc. The "adverse or hostile" element requires that the possessor is on the property without permission, and the "exclusive" element means the possessor must exclude others as if they were the true owner.⁷

Category 2: Eviction Protections for Holdover Tenants and Certain Trespassers

A holdover tenant is a tenant who has overstayed their lease.⁸ A trespasser is a person who enters another's property without permission.⁹ In either case, the property owner must take steps through legal channels to remove the holdover tenant or trespasser. The rules and procedures are governed by a complex inter-

¹ Cornell Law School Legal Information Institute, Adverse Possession (accessed July 29, 2025) (https://www.law.cornell.edu/wex/adverse_possession).

² *Id.*

³ Justia, Adverse Possession Laws: 50 State Survey (accessed July 30, 2025) (<https://www.justia.com/real-estate/home-ownership/owning-a-home/adverse-possession-laws-50-state-survey/>).

⁴ Justia, Adverse Possession Under Property Law (accessed July 30, 2025) (<https://www.justia.com/real-estate/home-ownership/owning-a-home/adverse-possession/textMany;%20jurisdictions%20allow%20an%20adverse,Home%20Ownership%20Legal%20Center%20Contents>).

⁵ Justia, Equitable Tolling (accessed July 30, 2025) (<https://dictionary.justia.com/equitable-tolling>).

⁶ *Id.*

⁷ *Id.*

⁸ Cornell Law School Legal Information Institute, Holdover Tenant (accessed July 29, 2025) (https://www.law.cornell.edu/wex/holdover_tenant).

⁹ Cornell Law School Legal Information Institute, Trespass (accessed July 29, 2025) (<https://www.law.cornell.edu/wex/trespass>).

play between state and municipal laws and vary by jurisdiction.¹⁰ These procedures provide protections to ensure that the party claiming to own the property is the true owner, and to ensure the possessor is truly on the property without permission. The procedures thus ensure that the rights of both parties are properly respected. While both holdover tenants and trespassers do enjoy legal procedures that must be followed before they may be evicted, neither may acquire title to the property unless they can satisfy all the elements of adverse possession.

APPLICATION TO THE BILL AND SUBSEQUENT AMENDMENTS

Republican Members of the Committee compiled a list of news articles which they argued illustrated the problems their legislation attempts to solve. The articles included stories of servicemembers who had returned from deployments to find people living in their home.¹¹ The occupants were either strangers (trespassers) or people with permission to be there who had overstayed their welcome (holdover tenants). None of the stories involved an adverse possession case in which a possessor attempted to claim legal title of the property.

Chairman Bost's A.N.S.

Chairman Bost's A.N.S. attempts to improve the original bill's vague language by specifically naming adverse possession, and instead states:

“No person may acquire title to premises owned by a servicemember by adversely possessing such premises during a period of military service of such servicemember.”

Because acquiring title to property through adverse possession is a long and involved process, in practice, Chairman Bost's A.N.S. would likely only grant relief to servicemembers in extremely rare circumstances. A servicemember would only gain the benefits of this legislation if their property was occupied by a possessor who was able to satisfy all the elements of adverse possession, including possession for the lengthy statutory period, which is likely longer than most servicemembers are stationed away from home. Moreover, the A.N.S. presents an ambiguity because it does not explain how it prevents adverse possession from occurring or how it purports to preempt state or common law elements of adverse possession. It does not state clearly whether the servicemember's period of military may not be included in calculating the statutory period, whether no person can claim title if they have satisfied all the elements of adverse possession during the servicemember's period of

¹⁰ Congressional Research Service, *Federal Role in Preventing Evictions* (R47204) (Nov. 10, 2022); Cornell Legal Information Institute, trespass, (accessed July 30, 2025) (<https://www.law.cornell.edu/wex/trespass>).

¹¹ For example: *Army reservist's home taken over by squatter who drives a Mercedes after she was called up for active duty*, New York Post (Sept. 15, 2023) (<https://nypost.com/2023/09/15/army-reservists-texas-home-taken-over-by-squatter-who-drives-a-mercedes-suv-while-on-active-duty/>); *Alleged squatters arrested for ransacking soldier's Cleveland home*, Chron (Jan. 31, 2012) (<https://www.chron.com/neighborhood/cleveland/news/article/Alleged-squatters-arrested-for-ransacking-9312330.php>); *Deployed soldier unable to return to his Decatur house because of squatters*, Fox 5 (Feb. 26, 2022) (<https://www.fox5atlanta.com/news/deployed-soldier-unable-to-return-to-his-decatur-house-because-of-squatters>); *Squatter moves into soldier's home while deployed*, Alive (April 23, 2014) (<https://www.11alive.com/article/news/weird/squatter-moves-into-soldiers-home-while-deployed/85-253104858>).

service, or whether the possessor simply may not bring a claim to title during the servicemember's period of service. Furthermore, it would not solve the problems that motivated the original bill: hold-over tenants and trespassers.

At the full Committee Markup on July 23, 2025, Chairman Bost made a series of claims regarding his A.N.S. and the relief it would provide to servicemembers. These claims are not supported by a reasonable reading of his amendment or by a cursory review of existing court rulings. First, the Chairman stated: "Under current law, the Servicemember's Civil Relief Act does not protect a servicemember who returns home from military orders and finds individuals residing in their home illegally from [sic] assistance due to the state squatter protection laws."¹² This is only partly true. While SCRA does not allow servicemembers to bypass eviction procedures for holdover tenants or certain trespassers, courts in multiple jurisdictions have interpreted SCRA's tolling provision to provide some relief for servicemembers in adverse possession claims against their property by tolling the statutory period during the servicemember's period of service.¹³

For example, in an adverse possession claim, the North Carolina Court of Appeals held that the statutory period was "automatically and unconditionally tolled until plaintiff's retirement from military service."¹⁴ Similarly, the Massachusetts District Court explained that "[f]or over 70 years the present 205 and its predecessors have protected American servicemen from the running of statutes of limitations and periods of adverse possession while they were engaged in the business of defending their country."¹⁵ The Alabama Supreme Court also held that SCRA tolls the statutory period for adverse possession claims during military service.¹⁶ It explained that "[i]t was undisputed that the appellee was in the military service from 1937 until July, 1951," so the period of his service "could not be considered in computing the ten year period for adverse possession."¹⁷ The Texas Third Court of Appeals reached a similar result, concluding that a period of military service must be "excluded" in calculating whether the possessor had occupied the property for the full statutory period.¹⁸ Thus, SCRA as currently drafted has been interpreted in multiple jurisdictions to toll the statutory period, and thus excludes the servicemember's period of service in com-

¹²House Committee on Veterans' Affairs, Statement of Chairman Mike Bost, *Full Committee Markup of H.R. 2334* (July 23, 2025).

¹³SCRA's current tolling provision, 50 U.S.C. § 3936, was preceded by a number of substantially similar provisions, some of which are cited in the case law.

¹⁴*Taylor v. North Carolina Dept. of Transp.* 357 S.E.2d 439,441 (N.C. App. 1987). The case cites the Soldiers and Sailors Act (50 U.S.C.A App. § 525) and specifically quotes "The period of military service shall not be included in computing any period . . . limited by any law . . . for the bringing of [an] action . . . in any court . . . against any person in military service . . . whether such cause of action or the right or privilege to institute such action or proceeding shall have accrued prior to or during the period of such service."

¹⁵*Mouradian v. John Hancock Cos.*, 751 F. Supp. 272, 275 (D.C. Mass. 1990) (§ 205 also uses substantially similar language. The opinion quotes "The period of military service shall not be included in computing any period now or hereafter to be limited by any law, regulation, or order for the bringing of any action or proceeding in any court, board, bureau, commission, department, or other agency of government by or against any person in military service . . . , whether such cause of action or the right or privilege to institute such action or proceeding shall have accrued prior to or during the period of such service") (emphasis in opinion).

¹⁶*Campbell v. Laningham*, 145 So. 2d 824, 827 (Ala. 1962).

¹⁷*Id.*

¹⁸*Barstow v. State*, 742 S.W.2d 489, 504 (Tex. Ct. App. 1987).

puting the time the possessor has occupied their property in an adverse possession claim.

Second, Chairman Bost stated:

“to remove these individuals servicemembers must fight their state government, and typically pay costly fees to get trespassers out of their home, out of homes they own. This bill would close this loophole by ensuring that the state squatter laws do not allow squatters to occupy servicemembers homes while they are away on active duty”¹⁹

This claim is incorrect. Both servicemembers and civilians must follow certain legal procedures to evict trespassers or holdover tenants, but Chairman Bost’s A.N.S. does not change that. It would simply prevent a possessor from claiming title through adverse possession in the rare case that the possessor occupied the servicemember’s property for the full statutory period (up to 30 years) and satisfied all other elements. It does not disturb state law regarding eviction procedures for holdover tenants or trespassers.

Finally, Chairman Bost claimed: “[a]dditionally, it would ensure our nation’s servicemembers have the right to quickly, easily affect [sic] trespassers instead of going through an expensive, time-consuming process.”²⁰ This claim is also incorrect because Chairman Bost’s A.N.S. does not change the legal process property owners must follow to evict holdover tenants or trespassers. It only involves claims to title through adverse possession.

Therefore, neither Rep. Mast’s original bill nor Chairman Bost’s A.N.S. have clear and substantive legal effect, and neither do they address the underlying problems they purport to solve. Furthermore, SCRA provides a private right of action and requires servicemembers to assert their rights in court; it is not self-enforcing.

RANKING MEMBER TAKANO’S SUBSTITUTE AMENDMENT

Ranking Member Takano’s substitute amendment seeks to provide legal clarity to improve Chairman Bost’s A.N.S. Unlike Chairman Bost’s A.N.S. which does not specify *how* it would have legal effect, Ranking Member Takano’s substitute amendment amends SCRA’s tolling provision to specifically state that SCRA tolls the statutory period for adverse possession, and thus the servicemember’s period of service does not count toward any claim to title.

Furthermore, Ranking Member Takano’s substitute amendment attempts to actually address the underlying motivation for the bill by providing resources to servicemembers to educate them on securing their property during periods of absence, and information on leasing property, and landlord-tenant rights and obligations. The information on securing property during periods of absence is intended to help servicemembers prevent trespassers from accessing their property, and the information on leasing property and land-

¹⁹ House Veterans Affairs Committee, Statement of Chairman Mike Bost, *Full Committee Markup of H.R. 2334* (July 23, 2024).

²⁰ *Id.*

lord-tenant rights is intended to aid servicemembers in creating strong lease agreements to help prevent holdover tenancies.

Committee Democrats support Committee Republicans' efforts to ensure that servicemembers do not encounter unwanted occupants of their property during periods of service, and Ranking Member Takano's substitute amendment provides legal clarity and education resources to better achieve those ends.

MARK TAKANO,
Ranking Member.

