



opening doors
a primer

introduction: ion and contacts:

The recent “housing crisis” is neither new as a social phenomenon nor is it an isolated instance of poor decision-making or “risky investment strategies” on the part of captains of the financial and housing industries. We cannot look for blame in the financial choices of working- and middle-class people attracted by deceptively low mortgage rates who sought to find stability in homeownership in the recent housing boom. Rather, these incidents—the creation and “collapse” of the housing “bubble,” the implosion

of lending and mortgage companies, and the mass home foreclosures and disenfranchisement of the poor—are the most recent chapters in a long history of systematic oppression of the majority populous by an elite ruling class.

Unfettered access to land and housing is essential to any meaningful individual or collective liberty, autonomy, or self-determination.

The time has come to end reliance upon governmental and non-governmental programs to provide affordable housing. This book is a step-by-step guide on how to provide free housing for communities through the use of vacant land.

With the belief that the solution to housing problems is community control of the land/community determination of housing, this book was created to facilitate autonomous reclamation of unused land, providing access to safe shelter for all members of the community.

One in two Oregonians live on incomes 200% below the federal family poverty line.

One in four Oregonians spends more than 1/2 their income on rent or mortgage payments.

64% of Portland residents living in poverty work full-time jobs.

Between 1990 and 2000, mean home values in Portland rose from \$61,800 to \$157,900, while median family income increased from \$26,928 to \$41,278.

Visit the following websites for more information:

Oregon’s law code, including landlord/tenant law, can be found at: <http://www.oregon.gov/SOLL>

Additional information and suggestions for those interested in housing occupation can be found at: <http://www.squat2own.com>

For a database of properties nationwide undergoing foreclosure proceedings, visit: <http://www.usa-forclosure.com>

Take Back The Land is an organization in Florida with substantial resources for those interested in reclaiming housing: <http://www.takebacktheland.org>



additional informati

Other support organizations:

The *National Lawyers Guild* is...a group of lawyers in Portland dedicated to supporting social and political change. Contact them at: portlandchapter@nlg.org

Reclaim! Portland is...a collective that facilitates, supports, and coordinates to autonomous occupation of unused land, buildings, and foreclosed homes. Contact them at: reclaimportland@gmail.com

The *Community Alliance of Tenants* is...an organization dedicated to educating and empowering low-income tenants to demand affordable, stable and safe rental homes. Contact them at: <http://oregoncat.org>

forming a group:

Whether or not you are planning to occupy a building yourself, you should consider solidifying a group before finding a building. Most reclaimed land is lost due to lack of support system and a defense strategy. Once you have regained control of the land, you need to determine how you plan to keep it. It is a good idea to organize support from friends, others in your community, activist groups, etcetera, to set up a defense. There may be land occupation or squatting support groups in your area, or advocacy groups that may be willing to support you.

finding a building:

Assess your needs to determine what type of property to look for. If you are desperate for shelter and your first priority is to avoid eviction, you will want a secluded place with low visibility access. Consider industrial/residential areas of low traffic.

There are several different ways you can research and locate properties. It is highly recommended that you research a property before moving in. The easiest methods are by scouting properties and using online databases. Any vacant properties are fair game, but consider how long you plan on staying when selecting a building. It is best to find a property that has been vacant for a while and there do not appear to be any current plans for the structure. Look for properties that look like no one has been there for a while. Look for things like tall grass, an overflowing mailbox, or newspapers piling up. It is recommended that potential tenants look for bank owned properties.

It will be easier when you are making your arguments for defense, and with the massive numbers of foreclosures, the banks have many vacant homes throughout Portland. Once you have found a property that appears vacant, look it up on portland-maps.com and look at the ownership and permit data under the assessor tab. Look under the complaints tab for nuisance reports. You will be able to find out who owns the property, where they live, and other information on the house, like property complaints, and how many bedrooms the house has.

The other way you can search for prospects is through online databases. usa-foreclosure.com is one of the easiest tools for this search, and covers most of the states. Once you sign up for an account, you are able to search Portland neighborhoods for homes that are foreclosed, and in the pre-foreclosure process. Enter the zip-code of the neighborhood you



wish to search in. It will list when the house was foreclosed on, or the date it is scheduled to go to auction. Once properties are foreclosed on, they are auctioned off at the county courthouse. If the house is not purchased by a third party, it is then reverted to the bank, and they take control of the property. Houses that are in pre-foreclosure are a good option for reclaiming. Once a homeowner knows their house is going to be foreclosed on, they may choose to stay until they are evicted by the bank. Other times they may choose to leave before then. If the property is left vacant by the current owner, sometimes it can be several months before the house goes to auction, and it sits empty. Also, if you inhabit a pre-foreclosure that has yet to be taken by a bank, when a representative from the bank shows up they may assume you do actually have permission to be there and are legal tenants.

Scope out the building before moving in, or even entering it, preferably over a period of at least a few weeks. Find out if anyone is coming and going, see if owners or neighbors are checking up on the place. Check to see if the power meter is running, or any other signs of recent visitors. Leave a twig or toothpick wedged

between the door and the frame, and check on it periodically.

It's a good idea to go inside and inspect a building before you occupy it, to know what you're getting into. Are utilities still on? Make sure the copper piping has not been stolen for scrap, and all wiring in it is still intact. Look out for holes in the masonry too big to fix, significant water damage, or wood rot. If possible, assess whether the plumbing is still intact. If the building has been winterized, there may or may not be a note on the front door indicating this. This means that there may be additional challenges with getting utilities—know what you're getting into.

HOW THE BAILOUT



building as you found it, as well as the work you have done to fix up the building, demonstrate an implied contract. You could further argue that under this implied contract you traded manual labor, structural, and or aesthetic improvements, as well as securing the property from theft and vandalism.

The best thing you can do is try and get a legal eviction, then you can take your case to court, which can give you more time on the land, and time to come up with a plan to defend it. Landlord/tenant law and eviction vary according to state laws, to find out more specific details on

eviction, search for landlord/tenant law in Oregon Online. The landlord must hand-deliver the eviction notice, mail it to your address, or, in some cases, put the notice on your door and mail you a copy. If the notice is handed to you the notice period starts to run immediately. If it is mailed to you, the landlord must add 3 days to length of notice time and state in the notice that three days have been added for mailing. If it is posted and mailed (24-hour and 72-hour notices where the written rental agreement allows this kind of service), the notice starts to run when the landlord mails the notice.

What if I don't move after getting an eviction notice?

The landlord must go to court to legally force you to move. The landlord will file a lawsuit called an FED, forcible entry and detainer. The sheriff or someone serving the court papers (FED Summons and FED Complaint) will hand them to whoever answers the door at your home or will tape them to the door and mail a copy later. The papers will tell you when and where to appear for court for what is called first appearance. The date will be less than 7 days away in most counties. Call the legal office as soon as you get the papers. Tell the person answering the phone that you have court papers. If you get an eviction notice, the next step is to try and organize a defense for your house. Again, try to find the people in your community willing to back you up. You can organize your defense however you like, be creative. One suggestion is to set up a communication system such as twitter or a phone tree that would allow you to contact everyone you have gathered for support at the time of eviction. The more people you have the better, try to get the media there.

You could also organize a group of support to physically block the eviction process, on the day of the eviction. Although this might lead to other legal matters, it gives the group a chance to engage in overt political protest and/or confrontation. Bring camcorders, tape recorders, cameras notepads, if you plan on doing any type of resistance, it is a good idea to have people who are not part of the action there to watch the police. It will help deter police harassment, and provide documentation.

eviction:

Currently you do not have the legal right to squat a property in the United States. However, numerous houses/buildings around have been taken over and kept by the people who re-claimed them. A suggested strategy is that once you have been found out by the legal property owner you want to try and get them to legally evict you. Once they do that you can go to housing court and try to get the house tied up through the court system, while still living there or finding another place.

Unfortunately, if you're squatting a building long enough, chances are you'll encounter an attempt by a property owner or manager to evict you. If you are in a bank, or pre-foreclosed home, chances are it will be a realtor, or representative from the bank, such as someone respon-

sible for property upkeep. When ANYONE comes to the property, you need to say that it is your house and you are a tenant there. At no time should you tell them you are squatting. Continue to assure them you are a tenant and you are supposed to be there. You do not need to have a lease to show proof of residency. Only the owner or a representative of the owner has the legal right to evict you, so don't be intimidated by cops, or neighbors. It's important to try and talk with the evictors; evictions have been stopped.

You should decide before the initiation of the eviction process if you are going to fight it. If you're fighting the eviction in court, it would be a good idea to seek out legal advice. Contact a National Lawyers Guild lawyer, or try getting in contact with local tenant rights folks. You might argue that although there is no written agreement between you and the property owner, the vacancy of the

securing a building

Once you've formed a group and decided on a building you'll need to enter and secure it. Many vacant buildings are left open. Do your homework first, determine how your building is secured, and what is required for entry. Entering a building is probably the riskiest part of the squatting process, because at this point you are legally considered a trespasser. This means you could face charges of burglary for damage or alteration to the property. Learn your rights and local laws to defend yourself.

If your building is unopen, you will need to break into it before changing the locks. If all of the windows and doors are locked, try to pick the lock. If you have access to lock picking tools, it is a good idea to learn how to use them. You can view videos on youtube to learn how to pick locks without a lock-

picking set or how to make a bump key. Using a small glass cutter to remove a small section of the glass of a door might also be possible. You may also try to break a window, or another quiet approach. Bring hammers, screw drivers, crow bars, bolt cutters with you, but if you are caught with tools that might be used to enter a house, you could be charged with more serious crimes!

When first changing the locks on the house, try entering the house in the daytime, disguised as workers. When you first scout or open a house, check to see what locks you need to replace, and have replacements with you. Then try going back in the daytime dressed as handyman/woman and acting as if you are there to do your job. If anyone questions you, tell them you work for the bank, come up with a story and get out of there! Change the locks and return a few days later to make sure nothing has changed. If it hasn't, it's time to move in. Keep in mind that if you look like you are meant to be there, people will not question you. Most of the time sneaking in and out of windows in the dark is when neighbors call the police.

Once you have entered the building change the locks as soon as you can. Having your own keyed entry keeps your home secure from unwanted guests, and looks less suspicious to passersby. If needed, install your own door or door frame. Places like the Re-building Center sell used doors for as low as \$30.00.



moving in:

Once you move in it is recommended that you treat the house just as if you had a legal agreement to be there. This means when you move in, the more legitimate you look, the less likely you are to raise suspicion from neighbors. Check craigslist free ads to try and find furniture, such as tables and couches. Furniture is important because in most cases because, according to the police, they will assume you are legally a tenant if it looks like you are. For fear of lawsuits, they are less likely to charge you with trespassing if it looks like you are supposed to be there. It is also a good idea to have mail sent to the address, to help secure your argument as a legitimate tenant.

You should transfer the utilities into your name as soon as you move into the house. You can usually call the gas/water/electric company, and transfer

the utilities to your name, and they will send the bill to the house. Sometimes a deposit may be needed to turn on a utility if the house has an outstanding bill from the previous tenant. Be creative if you run into issues with the utilities. Keep in mind, they don't know you are not supposed to be there. If this fails you can turn the utilities on yourself. To turn on the water you can purchase a curb stop key at your local hardware store. To turn the water on there is usually a box in the ground by the sidewalk/road. Open the box up and there will be a lever you need to turn using the curb stop key. Before moving in, make sure this lever is accessible. In some circumstances of hugely outstanding bills it will be blocked or bolted through. Again, be creative and use the resources of your local hardware store.

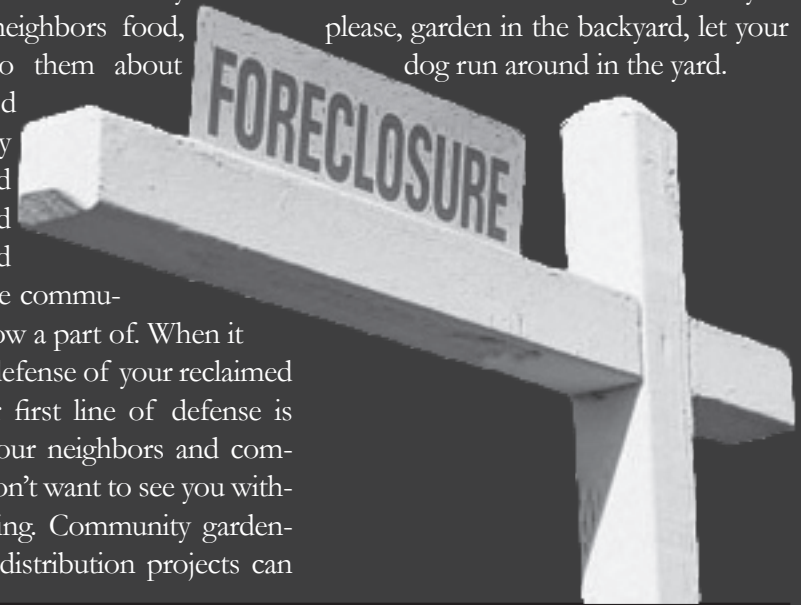
It's a good idea to clean up the

building soon after you move in. Cleaning up the property can increase your legitimacy as a tenant as well as improve relations with neighbors. Also, making the place as "homey" as possible before the police arrive can mean the difference between getting thrown out without a hearing and getting a proper eviction.

After you move in try baking your neighbors food, and talking to them about neighborhood projects. Try to attend neighborhood meetings and learn about the community you are now a part of. When it comes to the defense of your reclaimed property, your first line of defense is going to be your neighbors and community who don't want to see you without safe housing. Community gardening and food distribution projects can

also help build community relations and support for you.

Most people run into issues with squats in the United States because instead of being out in the open, they are usually underground or secretive. You probably have a better chance of staying in the squat long-term if you treat it just as you would if you were paying rent or owned it. Come and go as you please, garden in the backyard, let your dog run around in the yard.



legal information:

As mentioned earlier, entering and securing a building is the riskiest step in the process. The risk during this process derives from the (usually slight) potential for neighbors, random passersby, or the owners to see you entering the building for the first time. If the police arrive and it appears you have broken into the building, and you can't materially demonstrate you live there, you could be arrested and charged with trespassing/ and

or breaking and entering. While trespassing is a relatively minor charge in Portland, breaking and entering or burglary are much more severe.

However, establishing your status as a legal (although potentially unwelcome) resident and moving outside the police departments "legal" purview, is relatively simple. In most cases according to the procedural instruction manual, a party who is not on a written lease, but appears to have

legitimately established residency, and has possessions; e.g., clothing or personal items, in the residence, is considered to have established residency and is therefore a tenant.

Theoretically, to establish residency/tenancy to a police officer, and to escape the possibility of trespassing charge, an individual show personal possessions within the building. Proof of residency moves your legal standing as a squatter from the criminal realm to the civil realm, and is supposed to fall outside the jurisdiction of the PPD. The police cannot

remove you from your house unless the landlord has legally empowered them to do so. If they cannot show you proof of this, do not let them move you.

Do what you can to document all interactions with law enforcement, bank agents, realtors and landlords. If you have a video camera, record all interactions on film. If you don't want to record these interactions, write them down as soon as possible. You may be able to use this in court, especially if there is any kind of misconduct.