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# What to do when squatters occupy a home?

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Squatter is the act of breaking into a place (after forcing a lock, breaking a window...), deception, threat or violence, to occupy it without the permission of its owner. If your primary residence or secondary (furnished) residence is squatted, you must not force the squatters to vacate the dwelling by yourself. You must take steps to obtain their expulsion or forced evacuation. We explain how to do it.

## Please note

One tenant who stays in the dwelling (<https://www.service-public.gouv.fr/particuliers/vosdroits/F31272?lang=en>) after the end of the lease and without the owner's consent **he's not a squatter**. The same applies to a person who refuses to leave the dwelling after having been accommodated by the person living there or after the end of the tourist rental contract or after the end of the sub-rental contract not authorized by the owner of the dwelling.

Squatting a principal residence or a furnished secondary residence is punishable:

- For entering the dwelling, 3 years imprisonment and **€45,000** of fine
- And for occupying this dwelling, three years in prison and **€45,000** of a fine.

In the case of squatters, winter truce does not apply. Their eviction or forced evacuation can take place at any time of the year.

## Reminder

In the case of an uninhabitable dwelling (garage, room that is not for residential use, land), the steps to be taken are different. These approaches are not presented on this page.

Two types of procedure are possible: accelerated procedure or before the judge.

## Expedited procedure

The person whose home is squatted (tenant or owner-occupier) or a person acting on his behalf or the owner of the squatted dwelling may apply *forced evacuation* squatters.

For this, the applicant must **first** :

- **File a complaint** for trespassing at the police station or gendarmerie
- **Prove** that housing is his **home** or its **property**, for example using invoices, tax documents, a certificate provided by a neighbor
- **Make it known** by a judicial police officer or by the mayor or by a commissioner of justice (formerly judicial officer), that the **accommodation is squatted**.

Before starting the procedure:

- It is possible to get free advice from a lawyer (<https://www.service-public.gouv.fr/particuliers/vosdroits/F20706?lang=en>) .
- It is possible to contact a commissioner of justice (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2158?lang=en>) to advise and assist in this process. His fees are free and are at the expense of the applicant. He must give him a personalized quote before intervening.

## FYI

If the owner cannot prove his right to property because he no longer has access to his dwelling, the prefect of department, within 72 hours, asks the tax administration to tell him to whom the squatted dwelling belongs.

Then, the applicant shall address the **prefect** of department so that it **formal notice** squatters to leave the accommodation. The applicant may instruct a lawyer to draft the application to the prefect of the department.

The prefect of the department makes his decision taking into account the personal and family situation of the squatter. It must make its decision within 48 hours of receipt of the request.

#### FYI

In case of refusal, the prefect of department must indicate the reason for this refusal.

The formal notice indicates the period within which squatters are obliged to leave the dwelling. In the case of a squatted home, the period is at least 24 hours, but in other cases, the period is at least 7 days.

The formal notice is:

- notified squatters,
- displayed in the town hall and on the building concerned,
- notified to the applicant (optional).

If the squatters do not vacate the premises within the prescribed period, the prefect of the department must have the accommodation evacuated without delay by the police, unless the applicant has objected.

#### Reminder

In the case of squatters, winter truce does not apply. Their forced evacuation can take place throughout the year.

### In front of the judge

The owner may request *the expulsion of squatters*.

For this, he must **first** :

- **File a complaint** for trespassing at the police station or gendarmerie
- **Take a lawyer** (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2153?lang=en>) who will refer the matter to the judge (i.e. ask the judge to authorize the expulsion of the squatters and order them to pay compensation for occupancy of the premises)
- **Prove** that housing **belongs to him** (title deed, tax documents, invoices...).
- **Prove** that the accommodation is **squatted**. For this, it is recommended to load a commissioner of justice (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2158?lang=en>) to go to the site to draw up a report and identify if possible at least 1 of the squatters (by questioning them, by raising their name on the mailbox...).

The lawyer must seize *for interim measures* the *protection litigation judge* on which the squatted housing depends.

#### FYI

If no squatter is known (very rare situation), the lawyer can refer the case to the judge by query.

The owner must **then** instruct a commissioner of justice to send the squatters a summons to the hearing (assignment).

#### Please note

At the hearing, the landlord has the right to obtain the eviction of squatters, without entering into a discussion about the right to respect for their private and family life, or their right to occupy decent housing.

The owner must appoint a commissioner of justice to signify to the squatters the judgment rendered.

If the squatters do not leave the dwelling **within one month of service**, the owner must appoint a commissioner of justice to deliver to the squatters *a command to leave the premises*.

As soon as the Commissioner of Justice has issued *command to leave the premises* However, squatters must leave the accommodation, they cannot benefit from any delay.

In the event that the squatters still remain in the dwelling, the commissioner of justice must ask the prefect of the department for the assistance of the public force to evict them from the dwelling.

## Reminder

In the case of squatters, winter truce does not apply. Their deportation can take place throughout the year.

## Who can help me?

Find who can answer your questions in your region

### Statute and miscellaneous references

Code of Civil Enforcement Procedures: Articles L412-1 to L412-8

([https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000025024948/LEGISCTA000025026032?lang=en](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000025024948/LEGISCTA000025026032?lang=en))

Deportation Deadlines: L412-1 and Winter Break: L412-6

Penal Code: article 226-4 ([https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000030776820/?lang=en](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000030776820/?lang=en))

Home: Sanctions for the squatter

Code of Judicial Organization: Articles L213-4-1 to L213-4-8

([https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000006071164/LEGISCTA000038274599?lang=en](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006071164/LEGISCTA000038274599?lang=en))

Jurisdiction of the protection litigation judge: article L213-4-3

Code of Civil Procedure: article 812 ([https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000039623629/?lang=en](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000039623629/?lang=en))

Query

Code of Civil Procedure: article 493 ([https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000006410764/?lang=en](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006410764/?lang=en))

Query

Code of Civil Enforcement Procedures: Article L411-1

([https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000028808273/?lang=en](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000028808273/?lang=en))

Hearing and command to leave the premises

Act No. 2007-290 of 5 March 2007 establishing the right to housing as a third party: article 38

([https://www.legifrance.gouv.fr/loda/article\\_lc/LEGIARTI000042655744/?lang=en](https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI000042655744/?lang=en))

Forced evacuation

Ministerial response of 11 September 2018 on the forced evacuation of squatters

(<http://questions.assemblee-nationale.fr/q15/15-5989QE.htm?lang=en>)

Ministerial response of 19 July 2018 on the forced evacuation of squatters

(<https://www.senat.fr/questions/base/2018/qSEQ180203261.html?lang=en>)

## FAQ

How to consult a lawyer for free? (<https://www.service-public.gouv.fr/particuliers/vosdroits/F20706?lang=en>)

When does the winter break apply? (<https://www.service-public.gouv.fr/particuliers/vosdroits/F34736?lang=en>)

### Additional topics

Lawyer (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2153?lang=en>)

Service Public

Commissioner of Justice (formerly judicial officer and auctioneer)

(<https://www.service-public.gouv.fr/particuliers/vosdroits/F2158?lang=en>)

Service Public