

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 287 Session of 2023

INTRODUCED BY KRAJEWSKI, CEPHAS, KHAN, GREEN, WAXMAN, HOHENSTEIN, KENYATTA, FIEDLER, SANCHEZ, MADDEN, HILL-EVANS, STEELE, CEPEDA-FREYTIZ, SCOTT AND N. NELSON, OCTOBER 10, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 19, 2024

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 68
2 (Real and Personal Property) of the Pennsylvania Consolidated
3 Statutes, in personnel of the system, further providing for <--
4 appointment of personnel and establishing eviction agent
5 advisory boards in cities of the first class and eviction
6 agent education and training programs in cities of the first
7 class; providing for eviction procedure in cities of the
8 first class; making a repeal, and making an editorial change. <--

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 2301 of Title 42 of the Pennsylvania <--
12 Consolidated Statutes is amended by adding subsections to read:
13 § 2301. Appointment of personnel.

14 \* \* \*

15 (d) Personnel in certain cases involving real property. A
16 court may not appoint a private entity to serve a writ of
17 possession or alias writ, perform a lockout or in any way
18 enforce a judgment for possession of real property arising from
19 an ejectment case or eviction case.

20 (e) Definitions. As used in this section, the following

1 ~~words and phrases shall have the meanings given to them in this~~  
2 ~~subsection unless the context clearly indicates otherwise:~~

3 ~~"Ejectment case." An action in ejectment to regain~~  
4 ~~possession of real property.~~

5 ~~"Eviction case." An action to regain possession of real~~  
6 ~~property brought under the act of April 6, 1951 (P.L.69, No.20),~~  
7 ~~known as The Landlord and Tenant Act of 1951.~~

8 ~~"Private entity." An individual or a for profit or nonprofit~~  
9 ~~company, organization, contractor or similar entity that is not~~  
10 ~~employed directly by a State, county or local government.~~

11 ~~Section 2. Subchapter B heading of Chapter 23 of Title 42 is~~  
12 ~~amended to read:~~

13 SECTION 1. SUBCHAPTER B HEADING OF CHAPTER 23 OF TITLE 42 OF <--  
14 THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

15 SUBCHAPTER B

16 [(Reserved)]

17 EVICTION AGENT ADVISORY BOARDS

18 IN CITIES OF THE FIRST CLASS

19 Section 3 2. Subchapter B of Chapter 23 of Title 42 is <--  
20 amended by adding sections to read:

21 § 2311. Definitions.

22 The following words and phrases when used in this subchapter  
23 shall have the meanings given to them in this section unless the  
24 context clearly indicates otherwise:

25 "Board." An eviction agent advisory board established in  
26 section 2312(a) (relating to eviction agent advisory board).

27 "Ejectment case." An action in ejectment to regain  
28 possession of real property.

29 "Eviction agent." An employee of the sheriff of OR ANY OTHER <--  
30 ENTITY EMPOWERED TO PERFORM EVICTIONS AND JUDICIAL DUTIES IN a

1 city of the first class who is assigned to perform a judicial  
2 duty in a city of the first class.

3 "Eviction case." An action to regain possession of real  
4 property brought under the act of April 6, 1951 (P.L.69, No.20),  
5 known as The Landlord and Tenant Act of 1951.

6 "Judicial duty." The service of a writ of possession or  
7 alias writ, performance of a lockout or enforcement of a  
8 judgment for possession of real property arising from an  
9 ejectment case or an eviction case in a city of the first class.

10 "Private entity." ~~The term shall mean the same as under~~ <--  
11 ~~section 2301 (relating to appointment of personnel).~~ AN <--  
12 INDIVIDUAL OR A FOR-PROFIT OR NONPROFIT COMPANY, ORGANIZATION,  
13 CONTRACTOR OR SIMILAR ENTITY THAT IS NOT EMPLOYED DIRECTLY BY A  
14 STATE, COUNTY OR LOCAL GOVERNMENT.

15 "Program." The Eviction Agent Education and Training Program  
16 established under section 2313(a) (relating to Eviction Agent  
17 Education and Training Program).  
18 § 2312. Eviction agent advisory board.

19 (a) Establishment.--An eviction agent advisory board is  
20 established in each city of the first class, which shall be  
21 known as the Eviction Agent Advisory Board.

22 (b) Purpose.--The board shall provide oversight of eviction  
23 agents and judicial duties and receive complaints regarding  
24 eviction agents.

25 (c) Meetings.--The board shall meet on a quarterly basis and  
26 may meet more frequently if merited.

27 (d) Members.--The board shall consist of the following  
28 members:

29 (1) The municipal court president judge in a city of the  
30 first class or a designee.

1           (2) The first judicial district court administrator in a  
2 city of the first class or a designee.

3           (3) A designee of the mayor in a city of the first  
4 class.

5           (4) The chairperson of the Committee on Housing,  
6 Neighborhood Development and the Homeless, or its successor  
7 committee of the city council, in a city of the first class  
8 or a designee.

9           (5) The city controller in a city of the first class or  
10 a designee.

11           (6) A representative of a homeowners' association  
12 located in a city of the first class.

13           (7) A representative of a legal services coalition  
14 partnered with a city of the first class to provide eviction  
15 prevention.

16           (8) A landlord who owns a rental property in a city of  
17 the first class.

18 (e) Duties.--The duties of the board are as follows:

19           (1) Collaborate with ~~the sheriff~~ AN EVICTION AGENT in a <--  
20 city of the first class to establish policies on duties,  
21 requirements, organization, training, responsibilities,  
22 ethics and discipline of eviction agents.

23           (2) Create an approval and review process for eviction  
24 agents who may perform a judicial duty.

25           (3) Approve eviction agents who may perform a judicial  
26 duty.

27           (4) Create a complaint process established in section  
28 2317 (relating to complaint process).

29           (5) Collaborate with ~~the sheriff~~ AN EVICTION AGENT in a <--  
30 city of the first class to hire or contract with behavioral

1 health professionals to assist eviction agents in the  
2 performance of a judicial duty.

3 (6) Conduct oversight of eviction agents, including  
4 investigative authority and the power to subpoena testimony  
5 and records with legal counsel.

6 (7) As follows:

7 (i) Collect information from eviction agents  
8 regarding:

9 (A) The number of lockouts performed monthly.

10 (B) The names of eviction agents employed.

11 (C) The number and nature of complaints against  
12 eviction agents.

13 (D) The outcomes of the complaints against  
14 eviction agents.

15 (E) Any other information regarding judicial  
16 duties as deemed necessary by the board.

17 (ii) The board shall post the information under  
18 subparagraph (i) on a quarterly basis on its publicly  
19 accessible Internet website.

20 § 2313. Eviction Agent Education and Training Program.

21 (a) Establishment.--The board shall establish the Eviction  
22 Agent Education and Training Program.

23 (b) Authorization.--The board shall establish, implement and  
24 administer the program in accordance with the minimum  
25 requirements under this subchapter.

26 (c) Components.--Under the program, the board shall:

27 (1) Establish, implement and administer requirements for  
28 the minimum courses of study and training for eviction  
29 agents.

30 (2) Establish, implement and administer requirements for

1 courses of study and in-service training for eviction agents.

2 (3) Establish, implement and administer requirements for  
3 a continuing education program for eviction agents concerning  
4 subjects that the board may deem necessary and appropriate  
5 for the continued education and training of eviction agents.

6 (4) Approve, or revoke the approval of, any school which  
7 may be utilized for the educational and training requirements  
8 under this subchapter.

9 (5) Establish the minimum qualifications for instructors  
10 and certify instructors.

11 (6) Consult, cooperate and contract with universities,  
12 colleges, law schools, community colleges and institutes for  
13 the development of basic and continuing education courses for  
14 eviction agents.

15 (7) Promote the most efficient and economical program  
16 for eviction agent training by utilizing existing facilities,  
17 programs and qualified State and local personnel.

18 (8) Certify eviction agents who have satisfactorily  
19 completed the basic and continuing education and training  
20 requirements under this subchapter and issue appropriate  
21 certificates to the eviction agents.

22 (9) Make rules and perform other duties as may be  
23 reasonably necessary or appropriate to administer the  
24 program.

25 (10) Prepare an annual report to the Governor and the  
26 General Assembly concerning:

27 (i) The administration of the program.

28 (ii) The activities of the board.

29 (iii) The costs of the program.

30 (iv) Proposed changes, if any, regarding the program

1 or other matters under this subchapter.

2 (d) Specific training.--The program shall include training  
3 for a total of 80 hours to include alternatives to the use of  
4 force, the judicial process and implicit bias.

5 § 2314. Continuing education.

6 The board shall establish a mandatory continuing education  
7 program for eviction agents, which shall include no more than 40  
8 hours per year, concerning subjects the board may deem necessary  
9 and appropriate for the continued education and training of  
10 eviction agents.

11 § 2315. Use of firearms.

12 The board, with the review and approval of the Pennsylvania  
13 Commission on Crime and Delinquency, shall establish standards  
14 for the certification or qualification of private eviction  
15 agents to carry or use firearms in the performance of a judicial  
16 duty.

17 § 2316. Certification.

18 After the establishment, implementation and administration of  
19 the program, an eviction agent may not perform a judicial duty  
20 unless the eviction agent has been certified under this  
21 subchapter by the board.

22 § 2317. Complaint process.

23 (a) Authorization.--The board shall establish and maintain a  
24 complaint process to accommodate the reporting of misconduct or  
25 incompetency by an eviction agent in the performance of a  
26 judicial duty during the eviction process.

27 (b) Posting of information.--Complaint forms and the  
28 submission process shall be posted on the publicly accessible  
29 Internet website of the sheriff's office in a city of the first <--  
30 class AS DETERMINED BY THE BOARD. <--

1 (c) ~~Inquires~~ INQUIRIES.--The board may inquire into the  
2 official conduct of an eviction agent if the following apply:

3 (1) A supervisor of the eviction agent files a complaint  
4 alleging that the eviction agent engaged in misconduct or  
5 inappropriate behavior or is incompetent to discharge  
6 official duties because of intemperance or neglect of duty.

7 (2) A person files a complaint alleging that the  
8 eviction agent engaged in misconduct or inappropriate  
9 behavior or is incompetent to discharge official duties for a  
10 reason other than intemperance or neglect of duty. This  
11 paragraph includes an act of oppression of a litigant or  
12 witness.

13 (d) Investigations and disciplinary action.--

14 (1) Except complaints where the eviction agent is a  
15 deputy sheriff, as necessary, the board may investigate  
16 complaints and take disciplinary action against an eviction  
17 agent who is in violation of this subchapter.

18 (2) The board shall timely notify the sheriff of a  
19 complaint filed against a deputy sheriff. A complaint against  
20 a deputy sheriff shall be forwarded to the sheriff's office  
21 for the purpose of an internal investigation and  
22 determination of disciplinary action.

23 (e) Notification.--The board shall notify the Sheriff and  
24 Deputy Sheriff Education and Training Board within 15 days of  
25 receiving a complaint of the occurrence of an event described  
26 under 44 Pa.C.S. § 7429(a) (relating to revocation of  
27 certification).

28 (f) Regulations.--The board shall establish regulations  
29 providing for the following:

30 (1) Standards and guidelines for receiving,

1 investigating and issuing disciplinary orders for complaints  
2 against sheriffs or deputy sheriffs.

3 (2) Notice of a disciplinary action and the right of  
4 sheriffs or deputy sheriffs to request a hearing.

5 ~~§ 2318. Subject to appropriation.~~ <--

6 ~~The elimination of the use of a private entity eviction agent~~  
7 ~~shall be subject to a future appropriation by the city council~~  
8 ~~of a city of the first class to the sheriff's office of the city~~  
9 ~~of the first class.~~

10 Section 4 3. Title 68 is amended by adding a chapter to <--  
11 read:

12 CHAPTER 25

13 EVICTION PROCEDURE IN CITIES OF THE FIRST CLASS

14 Sec.

15 2501. Definitions.

16 2502. Behavioral health professional accompaniment.

17 2503. NOTICE. <--

18 § 2501. Definitions.

19 The following words and phrases when used in this chapter  
20 shall have the meanings given to them in this section unless the  
21 context clearly indicates otherwise:

22 "Behavioral health professional." A qualified professional  
23 who:

24 (1) Has a bachelor's degree, graduate degree or the  
25 international equivalent from an institution accredited or  
26 evaluated by an organization recognized by the Department of  
27 Human Services in a generally recognized clinical discipline  
28 that includes mental health clinical experience.

29 (2) Has mental health clinical experience.

30 (3) Is licensed or certified by the Commonwealth.

1 "Eviction agent." An employee of the sheriff of OR ANY OTHER <--  
2 ENTITY EMPOWERED TO PERFORM EVICTIONS AND JUDICIAL DUTIES IN a  
3 city of the first class who is assigned to perform a judicial  
4 duty in a city of the first class.

5 "Judicial duty." As defined in 42 Pa.C.S. § 2311 (relating  
6 to definitions).

7 § 2502. Behavioral health professional accompaniment.

8 (a) General rule.--Notwithstanding any other provision of  
9 law, a behavioral health professional may accompany an eviction  
10 agent when the eviction agent is performing a judicial duty if a  
11 behavioral health professional is available to accompany the  
12 eviction agent.

13 (b) Preemption.--This section shall preempt any local  
14 ordinance or regulation insofar as it is inconsistent with this  
15 section, notwithstanding the effective date of the ordinance or  
16 regulation. This section shall not affect or apply to  
17 enforcement of the act of October 11, 1995 (1st Sp.Sess.,  
18 P.L.1066, No.23), known as the Expedited Eviction of Drug  
19 Traffickers Act.

20 Section 5. Repeals are as follows: <--

21 (1) The General Assembly declares that the repeal under  
22 paragraph (2) is necessary to effectuate the addition of 42-  
23 Pa.C.S. § 2301(d) and (e) and Ch. 23 Subch. B.

24 (2) Section 17 of the act of July 9, 1976 (P.L.586,  
25 No.142), known as the Judiciary Act of 1976, is repealed.

26 § 2503. NOTICE. <--

27 AN EVICTION AGENT SHALL PROVIDE ADEQUATE NOTICE OF THE DATE  
28 AND TIME OF EACH EVICTION.

29 Section 6 4. This act shall take effect in 60 days. <--