

Testimony of James Bennett

On Behalf of the Pennsylvania Residential Owners Association and its Chapters, HAPCO and DIG

Good afternoon, Chairman Sturla, Chairman Irvin and members of the Housing and Community Development Committee. My name is Jim Bennett, and I own rental properties in the city of Philadelphia as well as outside the city. I have been in this business for 32 years and own approximately 280 homes and apartments, primarily in Philadelphia.

I am here today on behalf of the Pennsylvania Residential Owners Association, the statewide association representing small landlords, as well as two of its chapters HAPCO and DIG, The Diversified Real Estate Investors Group. The HAPCO chapter represents landlords in the city and DIG represents landlords in suburban Philadelphia. I am a member of both chapters.

Almost all of my Philadelphia units are affordable housing. I do my best to keep my rents affordable. In my years owning rental property in the city, I have, unfortunately, had to utilize the services of the landlord tenant officer to regain possession. While there is always room for improvement, generally speaking, the LTO system works quite well.

Our association opposes the elimination of the LTO program. We are not in favor of going back to the way re-possession of a property was handled in Philadelphia prior to the creation of the LTO program. We specifically are not in favor of creating a new re-possession program within the Sheriff's office.

Our association members have reviewed the new changes to the LTO program, and I would like to comment on each of them specifically. But first, I would like to remind the members of the committee that the LTO program was instituted in 1969 as a reform measure due to widespread criticism of the actions of Philadelphia constables who were previously charged with this responsibility. We don't believe it's in the best interest of renters or landlords to go back to those days. Evictions and lockouts are emotionally charged situations. No landlord wants to evict a tenant. Every landlord tries to work with their tenants to keep them.

Under the Pennsylvania Landlord-Tenant Act, there is a very lengthy process to regain possession. In Philadelphia, the process is even longer before an eviction is ordered. The tenant has multiple opportunities to pay the rent owed, and in almost every instance, the reason for the eviction is largely the failure to pay the rent owed. The challenges of finding another tenant sometimes takes months, months while the apartment is not generating income. Again, landlords prefer their tenants remain in the apartment. But the simple fact is that sometimes these eviction situations are unavoidable. So the question remains, what improvements are necessary to the LTO program?

As our associations understand it, the new procedures are as follows:

- 1. Evictions will be conducted in teams of two landlord tenant officers, at least one of which will have received all training required for certified in Pennsylvania Constables.**

Our landlords understand the advisability of requiring a two-person team to this process.

- 2. New deputy landlord tenant officers with experience serving as Pennsylvania constables will be sworn into service in Philadelphia by the President Judge of the Philadelphia Municipal Court in accordance with applicable Pennsylvania law.**

This is a positive change.

- 3. In the future, schedules showing dates and times of evictions for the following week will be shared via email with any tenant action group, or other interested, stakeholder, wishing to receive it and with all tenants who make inquiry of the office. At the request of tenant advocates, the date and times of evictions will be placed on the court's docket. Tenants may learn the date and time of their particular eviction, therefore, either from their counsel, but checking the court docket, or by calling the LTO, whose contact information is provided to tenants together with service of the writ of possession, giving the tenant notice in an eviction is imminent.**

Our association members are very concerned that this change will result in more dangerous situations such as mob gatherings and armed standoffs. As I previously stated the tenant know very far in advance that eviction is the end result of not paying the rent owed. We believe this change should be eliminated.

- 4. Landlords will be required to submit information to the LTO office in the form of an affidavit before future evictions will be scheduled. Information will require disclosure of known issues that otherwise might not come to light until an LTO eviction is in process. All such issues will need to be addressed, and in a reasonable manner prior to eviction scheduling. Pending application for alias writs must be updated to include the affidavit before being scheduled.**

We believe this could be a useful change.

- 5. All deputies will be reminded to cease and desist from evicting, as the personal safety of officers permits, if unexpected issues arise. Postponed evictions will only be rescheduled after the issues presented are resolved.**

We are concerned with this provision as it suggests that the tenant will be afforded another opportunity at non-binding mediation. We are also concerned that it could lead to further delays. If additional security during a lock-out is a concern, the eviction should proceed with the assistance of the Philadelphia Police Dept.

- 6. Total LTO fees for an eviction will increase from \$145 to \$350 to cover added expenses related to hiring additional staff, training, and insurance cost, etc.**

We believe an increase is necessary, but that increasing the fee to \$350 is excessive. As everyone should be aware, increased costs to the landlord of regaining possession must be passed on in the form of rent increases.

I appreciate the opportunity to testify today and I am available for any questions members of the committee would want me to answer. Thank you.