



Kyle Webster's Testimony on Eviction Officers
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My name is Kyle Webster and I am the Vice President of Housing and General Counsel of ACTION-Housing, the largest affordable housing non-profit in Pennsylvania. While we do some work statewide, our footprint is primarily in Southwestern Pennsylvania, with about 85% of our work in Allegheny County where Pittsburgh sits due our being founded by RK Mellon and David Lawrence, two of Pittsburgh's most historically prominent business leaders and political leaders, respectively. ACTION is a developer, program administrator, asset manager, and property manager. It is in this last category that we are sometimes evictors for the 1200 units we manage and the additional 1000+ units we have an ownership interest in. As chief counsel for the organization, I have oversight over how we handle eviction processes and often lead the efforts myself. I am also actively involved in housing stabilization and eviction prevention efforts and had the privilege of being one of five attorneys asked to sit on the working group convened by the Allegheny County Court of Common Pleas five years ago to establish our centralized Housing Court and redevelop our eviction process. I was asked to come here today to discuss how Allegheny County handles orders of possession and where I see flaws in our process.

I want to start by being clear that an eviction, no matter how well executed, is a traumatizing and dehumanizing process for the tenant. It can similarly be traumatizing for the evictor, but in our current system where housing, even governmentally subsidized housing, is governed by the free market, it is the only legal cure to breaches of the lease contract, most commonly through failure to pay. Notably, this is the only civil breach of contract claim in our state where standard and routine procedure for enforcement involves an armed individual showing up at the person's home and forcibly escorting them out with their belongings.

We are currently facing an unprecedented eviction crisis throughout Pennsylvania, but most acutely in the urban settings that were uniquely impacted financially by the COVID pandemic. Due to the unprecedented nature of this crisis, cracks in a flawed system have been emphasized. An imperfect system that was able to skate by pre-COVID mostly unnoticed by decisionmakers and folks in positions of power is now causing increased harm that cannot be ignored. These issues are no one persons fault, but the responsibility to fix this system to better serve our neighbors, our community, and yes our property management companies sits with everyone in this room, in the City and Borough Halls around the state and in Harrisburg.



Allegheny County is not perfect in how we handle evictions and lock outs. Mistakes are made, processes can be flawed, and inconsistencies exist in how things play out often depending upon where you are in the County and/or what judge you are in front of.

Just last week, an ACTION staff member showed up at my office door in crisis. A neighbor had sent her a mid-day text message with a photo of a constable's lock out notice and a changed lock. This mother was in the middle of her workday and now had to figure out what this meant for her and her special needs child she was going to be picking up on the way home from work. To her knowledge she was not behind on rent, she had never had a court date, and she was never given any notice of a lock out. She lives in unit 202 of her building – the lock out was intended for a tenant in unit 102. I was able to call the constable and the landlord and get the issue rectified within a couple of hours. This young woman had access to me. Most tenants do not. Her landlord, who is a large corporation in the Pittsburgh region made a devastating mistake that could have easily led to this young woman and her child being homeless that night and perhaps for more nights moving forward. The constable, an agent of the courts, made a devastating mistake that could have led to immediate adverse health impacts for a special needs child and could have cost a single mom a day or more of paid work while she figured out what to do next. I know this story and I know there are dozens more like it from around the state in recent months that led to these less ideal outcomes because most people do not work for an ACTION-Housing that can intervene on their behalf.

Our process in Allegheny County is as follows. Once an Order for Possession is issued, the landlord makes payment to the Court for execution of the Order. At the Magisterial District Court level, this execution is handled by the Constable and if the matter has been appealed to the Court of Common Pleas, it is generally handled by the Sheriff. The Constable or Sheriff will post on the door of the unit or the external locked entrance of the building in which the unit exists prior to the potential lock out. This allows the tenant to still “pay and stay” up until the date of the lock out. On the day of the lock-out, the Sheriff will arrive in full uniform and the Constable is permitted to arrive in plain clothes. A representative for the landlord meets with the Constable or Sheriff and the lock-out begins with a knock on the door and a clear identification of who is present. There are also current conversations around offering or even requiring a mental health professional to assist in more complex lock-out situations. While this is not currently the practice in Allegheny County, any conversation around making the process better and safer for all involved should consider this much needed policy addition. Not all lockouts trigger a mental health crises, but understandably many do and many tenants are in the situation they are in due to a mental situation that pre-existed the lock out. Failure to properly acknowledge and prepare for this can lead to a much higher risk





of harm for all involved. The tenant is then asked to leave the property voluntarily by the Constable or Sheriff and the locks are then changed and belongings are removed. If the tenant does not agree to leave voluntarily, they can be handcuffed and led from the unit by the officer. Overall, this scene can be chaotic and stressful for all involved. As a landlord and an attorney, I have found myself on site at an eviction feeling everything from slightly uncomfortable to devastated and even fearful of my safety in these scenarios. Now knowing what has occurred twice in our east-side neighbors in Philadelphia, this concern for the safety of my staff, tenants, and neighbors has increased and gives me pause with regard to who is present during a lockout and what trainings they need to properly handle the situation. This is also notable – lock outs take time and resources away from ACTIONs business of property management. The more disorganized and unpredictable the situation, the more a lock out costs us.

What is happening right now is preventable. Things like proper notice, clear announcement of who a public official is, double checking an address before a constable or officer goes out, a landlord having to produce the lease at the time of the lockout, and proper training are easy, obvious elements of a comprehensive landlord tenant policy. However, there are many more things that can and should be considered that I am happy to discuss and would welcome the opportunity to advise on. Evictions are easily my least favorite part of my job – even in the most justified situation, I know that I am causing an individual who has the right to housing to potentially face being unhoused. This action should not also imminently risk a tenant’s ability to exist due to an improperly handled eviction. I am hopeful that landlord attorneys like myself continue to be brought to the table alongside policymakers and tenant advocates to create comprehensive and humane answers to the complex issues caused by the current reality of evictions.

Thank you for the opportunity to speak on this matter.

