



Testimony of Sarah Kim Eisenhard
Pennsylvania House of Representatives
Housing and Community Development Committee
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Good afternoon Chairman Sturla and Members of the Housing and Community Development Committee. My name is Sarah Kim Eisenhard and I am an attorney in the Housing Unit at Community Legal Services in Philadelphia.

Thank you for the opportunity to testify before this Committee on the crucial matter of eviction lockout procedures and their impact on the lives of low-income Philadelphians. I am writing on behalf of Community Legal Services' Housing Unit. We are deeply committed to ensuring the rights and welfare of our city's residents, especially those facing eviction. We appreciate your dedication to this issue and your consideration of our policy recommendations. We are currently participating in a working group established by the Philadelphia Municipal Court and have shared these policy recommendations with the members of the working group.

I. Introduction and Stakeholder Perspective

Community Legal Services plays a critical role in addressing the legal needs of low-income individuals and families in Philadelphia, including renters who are confronted with a multitude of housing issues, ranging from illegal lockouts and legal eviction proceedings, to repair concerns and utility shutoffs. Each year our Housing Unit works with over 2,500 tenant households facing housing instability. Our mission centers around the hope that we will one day eliminate the need for evictions, and that safe and stable housing will be a fundamental right for all. Until that vision is realized, we strive for a short-term future in which legal evictions are executed safely, respecting the dignity and well-being of all parties involved.

II. Inherent Violence and Disparity in the Act of Eviction

It is unsurprising that, in a city where 54% of tenants are cost-burdened,¹ and where a minimum wage worker would need to work 3.4 full-time jobs to afford a two-bedroom apartment,² evictions in Philadelphia are all too common. The act of eviction carries an inherent level of

¹ The federal standard for “cost-burdened” households are those spending at least 30% of their income on housing. <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/09/the-state-of-housing-affordability-in-philadelphia>

² <https://www.nbcphiladelphia.com/news/local/city-council-considering-implementing-rent-control/3529235/>



violence; the trauma of destabilization and displacement devastates our communities' most vulnerable families. We cannot overlook that this destabilization and displacement disproportionately harms lower-income Black and Hispanic populations.³

III. Policy Recommendations

All entities authorized to perform eviction lockouts must uphold stringent standards of conduct and embrace best practices for lockout procedures. By instituting policies that mandate comprehensive training, transparency, and accountability, we can mitigate the potential for further harm and trauma during the eviction process.

I. Training

Currently, no specific training requirements exist for Landlord Tenant Officers in Philadelphia. In contrast, Sheriffs who are authorized to perform evictions in Philadelphia, and Constables who perform evictions elsewhere in the state, are both held to initial and ongoing training requirements overseen by the Pennsylvania Commission on Crime and Delinquency.

Pennsylvania Sheriffs complete a 760-hour basic training program to achieve certification. Constables must complete 80 hours of education, covering their role in the justice system, professionalism and ethics, civil law and process, and use of force, as well as 40 additional hours of firearms training. On an annual basis, Constables also complete 20 hours of continuing education, 20 hours of firearms training, and up to 16 additional hours of optional trainings. The requirements for Constables and Sheriffs stand in stark contrast with Landlord Tenant Officers, for whom there are no publicly available or enforceable training requirements before being assigned judicial duties.

We propose that any entity authorized to perform eviction lockouts must complete a city-specific basic training program to comport with the above baseline requirements for the Constable or Sheriff's training protocols. This program should include comprehensive education on the role of landlord/tenant officers in the justice system, civil law and process, use of force, crisis intervention, de-escalation techniques, and familiarity with local resources and social services. Training should cover best practices in the eviction process to facilitate evictions as peacefully as possible, and instill in prospective officers a high standard of conduct.

a. Best Practices

We call on any entity performing lockouts to take a collaborative approach to effectuating evictions safely and without use of force. For example, rather than using force to effectuate a

³ <https://www.reinvestment.com/insights/evictions-in-philadelphia-race-and-place-matters/>



lockout alone, an officer seeking to perform a lockout in Philadelphia should call on one of the City's Crisis Intervention Response Teams, which pair law enforcement officers and mental health professionals to jointly respond to calls for help.⁴ It is crucial that all policies and trainings on use of force emphasize de-escalation and nonviolent intervention.

We also recommend that authorized entities adopt and train officers in step-by-step procedures for performing lockouts as safely as possible for both the officer and the public. For example, when performing a lockout, an officer of the authorized entity should first knock on the tenant's door, state their name, identify themselves as an officer of the authorized entity, and state their purpose. Officers should be trained to identify instances where a lockout should be delayed. For example, if a child, person with disabilities, or other individual unable to fend for themselves is discovered, officers should reschedule the lockout and make attempts to connect that vulnerable individual to appropriate support and/or emergency services.

b. Standards of Conduct

Entities performing lockouts should develop and hold officers accountable to stringent standards of conduct. These should include:

- Conducting themselves with professionalism and integrity;
- Performing work consistently with training and respecting the rights of citizens;
- Carrying identification and wearing clearly identifying clothing when performing duties;
- Maintaining confidentiality of personal information obtained while performing duties;
- Maintaining conditions of personal equipment to be used in performance of judicial duties, including vehicles and firearms, as required by law;
- Cooperating with other officers of the court and law enforcement agencies;
- Avoiding impropriety and the appearance of impropriety;
- Complying with Non-Discrimination and Equal Employment Opportunity standards; and
- Refraining from soliciting funds or engaging in partisan political activity.

2. Transparency

Any entity authorized to perform lockouts should publicly share their training requirements, policies, procedures, code of conduct, and a complaint process. Annually, these entities should publish a report detailing completed trainings, authorized officers, statistics on evictions performed, filed complaints, and complaint outcomes. Transparency ensures accountability and builds public trust in the eviction process.

⁴ <https://whyy.org/articles/philadelphia-crisis-intervention-police-mental-health-emergency-response/>



Likewise, there should be transparency in the scheduling of evictions. Currently, tenants in Philadelphia receive a notice of upcoming eviction as soon as ten days after a judgment for eviction is entered. Then, generally, the lockout may proceed any time in the range of eleven days to many months after the first notice, without any additional notice. To enhance transparency, tenants must be served with notice of their scheduled lockouts. This advance notification allows tenants to prepare for the transition and access necessary resources.

3. Accountability

Nationally, eviction lockouts are handled by public entities, generally sheriffs, constables or marshalls. Philadelphia is unique in having a private entity authorized to perform what is essentially an extension of a court process. It is crucial that Philadelphians have a way to hold accountable the entity authorized to perform eviction lockouts.

Currently, there is no particular recourse for a tenant who believes they were subjected to unjustifiably violent practices during the lockout. Officers who deviate from prescribed standards of conduct should be subject to a complaint and discipline process. It is our hope that the publication of standards of conduct and procedures and the creation of a complaint process will provide a baseline to which entities performing lockouts will be held.

To that end, we recommend the establishment of an advisory board tasked with overseeing the lockout process. This board can facilitate compliance with annual reporting requirements, review officer authorizations following completion of training, and address complaints by investigating and recommending appropriate disciplinary action. This board should include stakeholders from the court system, the City, tenant advocates, and landlord advocates. This advisory board should serve as an additional layer of accountability, safeguarding the rights and well-being of both tenants and officers.

IV. Conclusion

In conclusion, Community Legal Services applauds this Committee's interest in improving the eviction lockout process for the betterment of our community. Our policy recommendations reflect our commitment to safer and more just eviction procedures. We are grateful for the opportunity to share our insights and to collaborate on creating a future in which every Philadelphian enjoys the stability and dignity of safe housing. Thank you for your attention, and we look forward to continued cooperation in pursuit of these vital reforms.