

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 AND CEPEDA-FREYITZ, OCTOBER 10, 2023

AS REPORTED FROM COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 31, 2023

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 SUBCHAPTER B

14 [(Reserved)]

15 EVICTION AGENT ADVISORY BOARDS

16 IN CITIES OF THE FIRST CLASS

17 Section 3. Subchapter B of Chapter 23 of Title 42 is amended
18 by adding sections to read:

19 § 2311. Definitions.

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

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

25 "Ejectment case." An action in ejectment to regain
26 possession of real property.

27 "Eviction agent." An employee of the sheriff of a city of
28 the first class who is assigned to perform a judicial duty in a
29 city of the first class.

30 "Eviction case." An action to regain possession of real

1 property brought under the act of April 6, 1951 (P.L.69, No.20),
2 known as The Landlord and Tenant Act of 1951.

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

7 "PRIVATE ENTITY." THE TERM SHALL MEAN THE SAME AS UNDER <--
8 SECTION 2301 (RELATING TO APPOINTMENT OF PERSONNEL).

9 "Program." The Eviction Agent Education and Training Program
10 established under section 2313(a) (relating to Eviction Agent
11 Education and Training Program).

12 § 2312. Eviction agent advisory board.

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

16 (b) Purpose.--The board shall provide oversight of eviction
17 agents and judicial duties and receive complaints regarding
18 eviction agents.

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

21 (d) Members.--The board shall consist of the following
22 members:

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

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

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

29 (4) The chairperson of the Committee on Housing,
30 Neighborhood Development and the Homeless, or its successor

1 committee of the city council, in a city of the first class
2 or a designee.

3 (5) The city controller in a city of the first class or
4 a designee.

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

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

10 (8) A LANDLORD WHO OWNS A RENTAL PROPERTY IN A CITY OF <--
11 THE FIRST CLASS.

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

13 (1) Collaborate with the sheriff in a city of the first
14 class to establish policies on duties, requirements,
15 organization, training, responsibilities, ethics and
16 discipline of eviction agents.

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

19 (3) Approve eviction agents who may perform a judicial
20 duty.

21 (4) Create a complaint process established in section
22 2317 (relating to complaint process).

23 (5) Collaborate with the sheriff in a city of the first
24 class to hire or contract with behavioral health
25 professionals to assist eviction agents in the performance of
26 a judicial duty.

27 (6) Conduct oversight of eviction agents, including
28 investigative authority and the power to subpoena testimony
29 and records with legal counsel.

30 (7) As follows:

1 (i) Collect information from eviction agents
2 regarding:

3 (A) The number of lockouts performed monthly.

4 (B) The names of eviction agents employed.

5 (C) The number and nature of complaints against
6 eviction agents.

7 (D) The outcomes of the complaints against
8 eviction agents.

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

11 (ii) The board shall post the information under
12 subparagraph (i) on a quarterly basis on its publicly
13 accessible Internet website.

14 § 2313. Eviction Agent Education and Training Program.

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

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

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

21 (1) Establish, implement and administer requirements for
22 the minimum courses of study and training for eviction
23 agents.

24 (2) Establish, implement and administer requirements for
25 courses of study and in-service training for eviction agents.

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

30 (4) Approve, or revoke the approval of, any school which

1 may be utilized for the educational and training requirements
2 under this subchapter.

3 (5) Establish the minimum qualifications for instructors
4 and certify instructors.

5 (6) Consult, cooperate and contract with universities,
6 colleges, law schools, community colleges and institutes for
7 the development of basic and continuing education courses for
8 eviction agents.

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

12 (8) Certify eviction agents who have satisfactorily
13 completed the basic and continuing education and training
14 requirements under this subchapter and issue appropriate
15 certificates to the eviction agents.

16 (9) Make rules and perform other duties as may be
17 reasonably necessary or appropriate to administer the
18 program.

19 (10) Prepare an annual report to the Governor and the
20 General Assembly concerning:

21 (i) The administration of the program.

22 (ii) The activities of the board.

23 (iii) The costs of the program.

24 (iv) Proposed changes, if any, regarding the program
25 or other matters under this subchapter.

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

29 § 2314. Continuing education.

30 The board shall establish a mandatory continuing education

1 program for eviction agents, which shall include no more than 40
2 hours per year, concerning subjects the board may deem necessary
3 and appropriate for the continued education and training of
4 eviction agents.

5 § 2315. Use of firearms.

6 The board, with the review and approval of the Pennsylvania
7 Commission on Crime and Delinquency, shall establish standards
8 for the certification or qualification of private eviction
9 agents to carry or use firearms in the performance of a judicial
10 duty.

11 § 2316. Certification.

12 After the establishment, implementation and administration of
13 the program, an eviction agent may not perform a judicial duty
14 unless the eviction agent has been certified under this
15 subchapter by the board.

16 § 2317. Complaint process.

17 (a) Authorization.--The board shall establish and maintain a
18 complaint process to accommodate the reporting of misconduct or
19 incompetency by an eviction agent in the performance of a
20 judicial duty during the eviction process.

21 (b) Posting of information.--Complaint forms and the
22 submission process shall be posted on the publicly accessible
23 Internet website of the sheriff's office in a city of the first
24 class.

25 (c) Inquires.--The board may inquire into the official
26 conduct of an eviction agent if the following apply:

27 (1) A supervisor of the eviction agent files a complaint
28 alleging that the eviction agent engaged in misconduct or
29 inappropriate behavior or is incompetent to discharge
30 official duties because of intemperance or neglect of duty.

1 (2) A person files a complaint alleging that the
2 eviction agent engaged in misconduct or inappropriate
3 behavior or is incompetent to discharge official duties for a
4 reason other than intemperance or neglect of duty. This
5 paragraph includes an act of oppression of a litigant or
6 witness.

7 ~~(d) Investigations and disciplinary action. As necessary,~~ <--
8 ~~the board may investigate complaints and take disciplinary~~
9 ~~action against an eviction agent who is in violation of this~~
10 ~~subchapter.~~

11 (D) INVESTIGATIONS AND DISCIPLINARY ACTION.-- <--

12 (1) EXCEPT COMPLAINTS WHERE THE EVICTION AGENT IS A
13 DEPUTY SHERIFF, AS NECESSARY, THE BOARD MAY INVESTIGATE
14 COMPLAINTS AND TAKE DISCIPLINARY ACTION AGAINST AN EVICTION
15 AGENT WHO IS IN VIOLATION OF THIS SUBCHAPTER.

16 (2) THE BOARD SHALL TIMELY NOTIFY THE SHERIFF OF A
17 COMPLAINT FILED AGAINST A DEPUTY SHERIFF. A COMPLAINT AGAINST
18 A DEPUTY SHERIFF SHALL BE FORWARDED TO THE SHERIFF'S OFFICE
19 FOR THE PURPOSE OF AN INTERNAL INVESTIGATION AND
20 DETERMINATION OF DISCIPLINARY ACTION.

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

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

28 (1) Standards and guidelines for receiving,
29 investigating and issuing disciplinary orders for complaints
30 against sheriffs or deputy sheriffs.

1 to definitions).

2 § 2502. Behavioral health professional accompaniment.

3 (a) Requirement GENERAL RULE.--Notwithstanding any other <--
4 provision of law, a behavioral health professional must MAY <--
5 accompany an eviction agent when the eviction agent is
6 performing a judicial duty IF A BEHAVIORAL HEALTH PROFESSIONAL <--
7 IS AVAILABLE TO ACCOMPANY THE EVICTION AGENT.

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

15 Section 5. Repeals are as follows:

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

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

21 Section 6. This act shall take effect in 60 days.