



**Testimony from Pennsylvania State Sen.
Anthony Hardy Williams for the
Pennsylvania State Senate Housing and
Urban Affairs committee concerning
proposed remedies for Act 129**

October 23, 2013

TO MY ESTEEMED COLLEAGUES AND FELLOW TESTIFIERS, GOOD MORNING. I'M HERE TODAY TO SHARE SOME INSIGHTS AND CONCERNS REGARDING CONDITIONS AND REGULATIONS OF THE LANDLORD-TENANT RELATIONSHIP AS THEY EXIST TODAY UNDER STATUTE, AND TO DISCUSS IDEAS I HAVE PROPOSED FOR REMEDIES. THE SOLUTIONS I OFFER TODAY ARE FAIRLY REVENUE-NEUTRAL AND STAND TO ENHANCE THE CONDUCT AND QUALITY OF LIFE FOR PEOPLE ON BOTH SIDES OF THE LEASE.

FOR CONTEXT, UNDERSTAND THAT OF PENNSYLVANIA'S 4.8 MILLION HOUSEHOLDS, SOME 1.4 MILLION OF THEM ARE RENTER HOUSEHOLDS. THIS REPRESENTS ABOUT 2.9 MILLION PEOPLE, OR NEARLY 1 IN 4 OF THE STATE'S POPULATION, ACCORDING TO THE FEDERAL RESERVE BANK OF PHILADELPHIA.

THE COMMONWEALTH'S RENTER HOUSEHOLDS ARE HEAVILY CONCENTRATED IN URBAN AREAS, SUCH AS THE ONE I REPRESENT. IN FACT, NEARLY HALF OF PENNSYLVANIA'S RENTER HOUSEHOLDS EXIST IN SIX COUNTIES – PHILADELPHIA, ALLEGHENY, MONTGOMERY, BUCKS, DELAWARE, AND LANCASTER.

AS IS THE CASE ACROSS THE NATION, OWNER HOUSEHOLDS IN THE STATE EARN NEARLY TWICE AS MUCH AS RENTER HOUSEHOLDS, AND THOSE WHO RENT ARE USUALLY YOUNGER – 4 IN 5 ARE UNDER 65 – AND MORE TRANSIENT, OFTEN DUE TO COMPARATIVELY MORE PRECARIOUS FINANCIAL CONDITIONS. AS IT STANDS, A 2012 NATIONAL LOW INCOME COALITION AND HOUSING ALLIANCE STUDY SHOWED HOUSEHOLDS MUST EARN \$20.67 PER HOUR – ABOUT \$43,000 A YEAR – TO AFFORD A TWO-BEDROOM APARTMENT AT A FAIR MARKET RENT OF \$1,075 A MONTH. THAT'S ESPECIALLY TRUE IN OUR LARGER METROPOLITAN AREAS.

THAT'S SOME BACKGROUND FOR THE ISSUE TODAY, WHICH FOCUSES ON SOME OF THE MORE CONTENTIOUS ASPECTS OF THE LANDLORD-TENANT RELATIONSHIP, PARTICULARLY WHEN THAT RELATIONSHIP ENDS. SENATOR PAT BROWNE AUTHORED A SOLID BILL THAT EVENTUALLY BECAME ACT 129 OF 2012, IN HOPES OF ADDRESSING SOME OF THE CONCERNS THAT ARISE DURING THE WANING DAYS OF RESIDENTIAL RENTAL LEASES.

THE TWO MAJOR CLAUSES OF ACT 129 CENTER ON POLAR EXTREMES. THE FIRST PROVIDES FOR WHEN THE SHERIFF IS REQUIRED TO FORCIBLY EVICT A TENANT. THIS IS AN UGLY REALITY AT TIMES, BUT REPRESENTS THE EXCEPTIONS, RATHER THAN THE RULE. USUALLY, THINGS DO NOT RISE TO SUCH A DIRE OCCASION, EVEN WHEN LANDLORDS BEGIN THE PROCESS BY FILING FOR A HEARING. TYPICALLY, IN CASES OF UNPAID RENT OR WATER BILLS, LANDLORDS SIMPLY EAT THE LOSS. THE SECOND CLAUSE IN THE LAW OFFERS SOLUTIONS WHEN A TENANT LEAVES A FORWARDING ADDRESS. WHILE AN IDEAL OUTCOME, IT, TOO, IS A LESS FREQUENT OCCURRENCE.

THE MORE COMMON OCCURRENCE, THOUGH, IS WHEN FORMER TENANTS LEAVE ITEMS BEHIND, ITEMS THAT BECOME UNWANTED JUNK AND REAL HEADACHES WITH WHICH LANDLORDS HAVE TO CONTEND. IT LEAVES MANY WITH THE VEXING QUESTION OF WHAT ONE CAN DO, LEGALLY, WITH THE THINGS LEFT BEHIND AFTER A TENANT MOVES WITHOUT A FORWARDING ADDRESS, BUT NOT UNDER FORCE BY THE SHERIFF. UNFORTUNATELY, ACT 129 DOES NOT ADDRESS THIS SCENARIO, BUT IT IS ONE OF THE MOST COMMONLY OCCURRING SITUATIONS, ACCORDING TO THE HOMEOWNERS ASSOCIATION OF PENNSYLVANIA, OR HAPCO.

SINCE 1954, HAPCO HAS OPERATED AS A SELF-REGULATING NONPROFIT CHARGED WITH INSTITUTIONALIZING POSITIVE MANAGEMENT PRACTICES FOR RESIDENTIAL PROPERTY OWNERS AND INVESTORS. IN PHILADELPHIA, FOR EXAMPLE, HAPCO REPRESENTS SOME 2 IN 3 OF THE CITY'S LOW- TO MODERATE-INCOME RENTAL PROPERTIES AND UNITS. AS HAPCO MEMBERS ARE A STRONG COUNTER TO "SLUM LORDS" AS WELL AS "ILLEGAL" LANDLORDS AND HAVE WORKED TO DEVELOP AND ENFORCE COMMUNAL PROTOCOLS AS WELL AS ENCOURAGE OTHERS TO JOIN THEIR EFFORTS.

THAT IS WHY I'VE PROPOSED A REMEDY IN THE FORM OF SENATE BILL 48. UNDER THE BILL, WHICH WOULD ESSENTIALLY AMEND ACT 129, LANDLORDS WOULD HAVE TO POST NOTICE ON THE PREMISES AND SEND NOTICE TO THE FORMER TENANT OFFERING 25 DAYS TO CONTACT THE LANDLORD REGARDING INTENTIONS TO REMOVE ANY PROPERTY LEFT BEHIND. IT WOULD CALL FOR THE LANDLORD TO HOLD PROPERTY FOR 20 DAYS AFTER SUCH CONTACT AND WOULD DEFINE THE LANDLORD'S LIABILITY IN THE MATTER.

THIS MEASURE SPECIFICALLY ADDRESSES WHAT TO DO IF THE TENANT HAS PHYSICALLY VACATED, ABANDONED, OR SURRENDERED THE PREMISES WITHOUT OFFERING NOTICE OR A FORWARDING ADDRESS, AND THE LANDLORD HAS BOTH POSTED NOTICE ON THE PREMISES AND MAILED NOTICE TO THE TENANT ADVISING THE TENANT OF THE TENANT'S RIGHTS UNDER THE LAW.

AS CURRENT LAW HOLDS, OWNERS OF A PROPERTY MUST NOW ENDURE SIGNIFICANT EXPENSE AND ENTANGLEMENT WITHIN THE JUDICIAL SYSTEM AS WELL AS THE SHERIFF'S OFFICE. THE PROCESS REQUIRES FILING FOR A FORMAL EVICTION, GOING TO COURT, FILING FOR A WRIT OF POSSESSION AS WELL AS THE PHYSICAL PRESENCE OF THE SHERIFF'S OFFICE. I'M SURE YOU WOULD AGREE THAT THIS IS A CUMBERSOME AND EXPENSIVE SET OF OBLIGATIONS TO UNDERGO JUST TO LEGALLY DISPOSE OF SOME BEAT UP IKEA FURNITURE.

SENATE BILL 48 IS A COMMONSENSE, NARROWLY TAILORED EFFORT TO ADDRESS THESE TANGIBLE AND FREQUENT REAL-WORLD CONCERNS. IT OFFERS RECOGNITION TO RESPONSIBLE PROPERTY OWNERS AND LANDLORDS WORKING TO DO THE RIGHT THING IN THE EYES OF THE LAW AND PROVIDES A FAIR, VIABLE STANDARD FOR ALL.

I APPRECIATE YOUR CONSIDERATION AND INTEREST IN THIS MATTER. THANK YOU.