

**TESTIMONY OF  
THE PENNSYLVANIA APARTMENT ASSOCIATION  
ON SENATE BILL 48  
AT THE HEARING OF THE  
SENATE COMMITTEE ON URBAN AFFAIRS AND HOUSING  
OCTOBER 23, 2013**

Thank you for this opportunity to present testimony on SB 48, sponsored by Senator Williams, which would amend the provisions of Pennsylvania's Landlord and Tenant Act regarding abandoned personal property.

The Pennsylvania Apartment Association (PAA) is comprised of the Apartment Association of Greater Philadelphia, The Apartment Association of Central Pennsylvania, and the Western Pennsylvania Apartment Association. Together, we represent over 300,000 apartment homes throughout the Commonwealth. We are affiliated with the National Apartment Association, the leading advocate for quality rental housing in the United States. Our Association members are professional owners, managers and developers of quality multi-family rental housing, a necessary component of any strong community. The total impact of the apartment industry on the Commonwealth's economy is 28.6 billion dollars annually.

We participated in talks among stakeholders and legislators throughout the several sessions it took to pass Act 129 of 2012. The Act begins to address the question of what to do with the personal property residents leave behind after moving out of a rental dwelling. Act 129 became a reality after years of discussion and boundless patience on the part of its sponsors, including Senator Patrick Browne.

Act 129 has helpful, specific requirements for notice on the part of rental owners and former residents, and storage requirements for rental owners, in two situations: First, where the resident has physically vacated, removed substantially all personal property and provided a forwarding address or notice stating he or she has left, and second, where the rental owner has obtained an order of possession.

But issues have emerged in the year since Act 129 has been in effect, and they must be addressed.

Act 129 currently fails to address a situation that arises quite frequently- where residents have clearly left for good, with no intention of returning, but have not notified the rental owner or provided a forwarding address. Rental owners often have no choice but to institute evictions proceedings and obtain an order of possession against a former resident who has obviously given up possession, just to remove any remaining personal items from the dwelling unit. This unintended consequence in all too many cases has negated the intended fairness of Act 129. The current law is no help when residents have moved out with no notice and taken most of their belongings but left some things behind. For example- residents leave things in cabinets or closets, or trash bags filled with items such as clothes.

It makes no sense to require an entire evictions proceeding – a hearing through a final judgment and order for a sheriff to perform a lock out just to handle the items left behind – when the resident is already gone for good.

SB 48 would address the problem.

The issue left unsolved by Act 129 is with those who have obviously permanently left. The issue is not with those who may have been called away suddenly but who intend to keep possession of the premises. And the law must reasonably account for the difference between those two circumstances. Act 129 inadvertently gave unfair advantage to residents who leave for good without communicating with the rental owner, and saddled rental owners with the responsibility to tend to the residents deserted personal items.

SB 48 protects former residents' rights to their property, assures its safekeeping and allows residents to retrieve their things. It rightly requires rental owners to post notice on the premises and mail the notice or personally deliver it to the resident, and it gives residents an extra 15 days to contact rental owners.

Residents who leave for a time but do not intend to make their departure permanent are not affected by this bill. The typical scenarios cited by the opponents of SB 48 include residents who experience a prolonged illness or injury, or those who must flee an abuser, or who move temporarily because the owner has not performed repairs.

Residents who must leave abruptly under emergency circumstances usually get word to the rental owner, and can, realistically, be expected to communicate their

intentions in a timely fashion. Those who must vacate because the premises are in disrepair are obligated to provide the owner with notice. SB 48 would not apply to those situations. Opponents' fears about constructive evictions are unfounded. The language of SB 48 fully protects residents with strict notice requirements.

In the year Act 129 has been in effect we have seen a problem with residents who move without giving notice or providing a forwarding address. SB 48 deals with this difficult situation. It would enhance the protections in Act 129 and make a good law better for both sides in a landlord/tenant relationship.

Again, thank you for this chance to present our views. I would be happy to discuss them in greater detail or answer any questions you may have.

Respectfully submitted,  
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