



Good morning. My name is Cindy Daley and I am the Policy Director at the Housing Alliance of Pennsylvania. The Housing Alliance is a statewide nonprofit organization that works to advance common sense policies to create healthy communities and expand the availability of homes within reach of all Pennsylvanians, especially those with low incomes. A balanced and well functioning rental market is an important part of that vision. For that reason, we offer our comments on SB 48.

First, some background on Act 129, the law that SB 48 would amend. Act 129 addresses the issue of what to do with personal items left behind when a tenant vacates a rental home. The law went into effect in September 2012, just 13 months ago, after five years of negotiations between landlords' and tenants' advocates. Why the lengthy negotiations? It was *not* because we couldn't agree on how much notice a tenant should get or how long the landlord needed to hold onto the personal items left behind. The crux of the disagreement – and the substance of SB 48 – is, when has the tenant relinquished the premises? In other words, how does the landlord know that the tenant has left and given up the right to live in the home?

Act 129, answers that question with a definition of “relinquishment of the premises” that has two scenarios: either (1) the execution of an order for possession, or (2) a written notice or forwarding address from the tenant, along with the tenant's removal of most of the personal property. Both sides agreed to that definition. SB 48 would add a third definition: the tenant has left *without giving notice*. No court determination, just the landlord deciding on his own.

We all know that some tenants do leave in the middle of the night, and it is tempting to allow the landlord to step in at that point and retake possession of the property. But doing so does not provide for the tenant who is in the hospital, or the victim of domestic violence who is hiding from her abuser and is not about to leave a forwarding address, or the mother who is legally withholding rent and takes her children someplace warm in the winter because the landlord refused to fix the furnace.

In a few minutes, my colleagues will tell you about their experiences working with tenants in Philadelphia and Adams Counties, two very different places with very similar issues. In my testimony I would like to talk about some broader issues raised by this bill: justice, homelessness, and blight.

The Housing Alliance has been actively engaged in the fight against blighted and vacant properties for more than ten years. We applaud the General Assembly for the good work you have done over the last decade to address this problem. What does blight have to do with SB 48? Not all blighted properties are vacant. Some are tenant occupied.

In no way do I mean to imply that all landlords are slumlords. The overwhelming majority are good stewards of their properties. In fact, I was a landlord for 20 years and my properties were always well maintained.

However, the reality is that there are owners who milk their properties with no regard for the tenants, the neighbors, or the community as a whole. I have attached three articles to my testimony showing this to be the case across the commonwealth. In these situations, it is often the tenant who brings the problems to the attention of the codes official. And too often that tenant is rewarded with an eviction. Under current law, the tenant can defend herself in court, relying on the Implied Warranty of Habitability granted by the PA Supreme Court in 1979. Under SB 48, she would not have that opportunity. Tenants are already wary of reporting problems for fear of being evicted. If SB 48 were law, few tenants would risk making those calls to the codes office. The blight would be allowed to fester and infect the neighborhood.

Let's follow that scenario through to the next step. A "problem" tenant – one who complains about the condition of the property - calls the codes officer who issues a citation to the landlord. The tenant is withholding rent and decides to stay with a friend because the apartment is making her ill or she leaves town to care for an elderly parent. Under SB 48, the landlord can - on his own – determine that the tenant has "vacated" the premises. He then sends a notice to the property from which the tenant is absent and after 25 days he disposes of all her belongings. No hearing. The tenant returns to find that she is homeless and all her belongings are gone.

Homeless. The tenant would join the growing ranks of Pennsylvanians who can not find affordable places to live. According to the Federal Reserve Bank of Philadelphia, the shortage of rental homes that are both affordable and available to households earning \$20,000 a year or less is now 266,000 units statewide, up from 220,000 five years ago. 34,000 Pennsylvanians spent at least one night in an emergency shelter or transitional housing in 2011, while an estimated 235,000 Pennsylvanians were doubled up with friends or family. Pennsylvania school districts provided services to 20,000 homeless children in 2010-11. By taking away a tenant's right to raise defenses in court, SB 48 will put more Pennsylvanians in jeopardy of homelessness.

What this really boils down to is fairness, having your day in court. Landlord-tenant relationships can be very contentious. Just like contested divorces, the parties can not be left to decide things on their own. More specifically, one party must not be allowed to make the decisions. Yet, SB 48 does just that by vesting that power in the landlord to the exclusion of the tenant. There needs to be an impartial third party - a judge - in resolving these disputes. Please preserve the judicial process in evictions. Leave Act 129 alone.

Thank you.