



TESTIMONY OF THE TENANT UNION REPRESENTATIVE NETWORK OPPOSITION TO SENATE BILL 48

Thank you, Senator David G. Argall and Senator Jim Brewster and members of the Senate Urban Affairs and Housing Committee for this opportunity to present testimony regarding the amendments to the States Property Abandonment Law proposed by Senate Bill 48.

Senate Bill 48 seeks to amend the state's Property Abandonment Law which is a new law that became effective just last summer. The current Property Abandonment Law provides an orderly process for a tenant to retrieve property left behind when a tenant vacates after notice to a landlord or when there is a court ordered eviction. SB48 attempts to expand the scope of this law to include those situations in which a landlord believes the tenant has vacated but has received no notice from the tenant. It provides a process whereby the landlord can actually confiscate the tenant's property without a judicial determination of whether the tenant has vacated the rented premises or abandoned the personal property left behind.

This bill is designed to allow landlords in Pennsylvania to be able to dispose of a tenant's property without the tenant's permission and without going to court. This will make it easier for them to clean out a vacant unit at the end of a lease. It will also make it easier for them to evict tenants who complain about repairs.

Landlords seem to be concerned that if a tenant's property is valuable the tenant might decide to sue them for having trashed it or for having given it away for little or nothing at the end of lease. In my nearly 40 years of practicing landlord and tenant law, I have never seen a tenant file such a case. Our nonprofit organization, TURN, sees thousands of Philadelphia tenants each year. What I have seen, and what we at TURN see every day, are tenants who are locked out of their apartments by angry landlords because a tenant

demands repairs or because the landlord wants more rent. When this happens we tell the tenants to call the police. In Philadelphia today, if the police go online and determine that a landlord did not go to court they order the landlord to let the tenant go back in immediately. If SB48 is passed, the police will have to tell both parties to go court to determine whether the tenant vacated the property even though the tenant's property was left inside. Most tenants, especially low-income tenants, have little capacity to do this. Meanwhile, the tenant will remain homeless.

If this law passes, it will definitely make it much easier for unscrupulous landlords get rid of tenants they do not like. If this law passes, **all tenants** will have to be more careful not to anger their landlords or leave town for too long, because they might return to an empty home regardless of the terms of their lease.

I will never forget the young woman who came into our offices one evening on the verge of tears. Her son was poisoned by lead in her apartment. When the Health Department ordered the landlord to fix the peeling paint and crumbling windows, she went to stay with her mother for a few weeks so the work could be done without making her child even sicker. When she went back to her apartment, there was another tenant living in the property with her furniture. The locks had been changed and the landlord refused to let her go back in. I told her she would have to get a lawyer to help her. I knew that at her age (she was around 20) she would have trouble getting back in or getting her possessions. If this law passes, justice for people like her will be virtually impossible.

Cases like these are common. SB48 turns decades of landlord tenant law on its head. Instead of landlords having to go to court to prove a tenant should be evicted, tenants will have to go to court to prove they should have their property returned and be allowed back into their homes. The recently passed Property Abandonment Law is the result of several years of serious negotiations between landlord and tenant groups in which all of these issues were carefully considered. Compromises were made. This law should not be amended before it is even tested. We do not need SB48 to authorize a landlord to

confiscate a tenant's valuable property without an impartial determination as to whether the tenant has moved out.

Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'PL' or similar initials, written in a cursive style.

Phil Lord, Executive Director
Tenant Union Representative Network

October 23, 2013