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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 287 Session of  
2023

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INTRODUCED BY KRAJEWSKI, CEPHAS, KHAN, GREEN, WAXMAN,  
HOHENSTEIN, KENYATTA, FIEDLER, SANCHEZ, MADDEN, HILL-EVANS,  
STEELE AND CEPEDA-FREYTIZ, OCTOBER 10, 2023

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REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,  
OCTOBER 10, 2023

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

10 § 2312. Eviction agent advisory board.

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

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

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

19 (d) Members.--The board shall consist of the following  
20 members:

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

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

25 (3) A designee of the mayor in a city of the first  
26 class.

27 (4) The chairperson of the Committee on Housing,  
28 Neighborhood Development and the Homeless, or its successor  
29 committee of the city council, in a city of the first class  
30 or a designee.

1           (5) The city controller in a city of the first class or  
2 a designee.

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

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

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

9           (1) Collaborate with the sheriff in a city of the first  
10 class to establish policies on duties, requirements,  
11 organization, training, responsibilities, ethics and  
12 discipline of eviction agents.

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

15           (3) Approve eviction agents who may perform a judicial  
16 duty.

17           (4) Create a complaint process established in section  
18 2317 (relating to complaint process).

19           (5) Collaborate with the sheriff in a city of the first  
20 class to hire or contract with behavioral health  
21 professionals to assist eviction agents in the performance of  
22 a judicial duty.

23           (6) Conduct oversight of eviction agents, including  
24 investigative authority and the power to subpoena testimony  
25 and records with legal counsel.

26           (7) As follows:

27           (i) Collect information from eviction agents  
28 regarding:

29                   (A) The number of lockouts performed monthly.

30                   (B) The names of eviction agents employed.

1           (C) The number and nature of complaints against  
2           eviction agents.

3           (D) The outcomes of the complaints against  
4           eviction agents.

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

7           (ii) The board shall post the information under  
8           subparagraph (i) on a quarterly basis on its publicly  
9           accessible Internet website.

10 § 2313. Eviction Agent Education and Training Program.

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

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

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

17           (1) Establish, implement and administer requirements for  
18 the minimum courses of study and training for eviction  
19 agents.

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

22           (3) Establish, implement and administer requirements for  
23 a continuing education program for eviction agents concerning  
24 subjects that the board may deem necessary and appropriate  
25 for the continued education and training of eviction agents.

26           (4) Approve, or revoke the approval of, any school which  
27 may be utilized for the educational and training requirements  
28 under this subchapter.

29           (5) Establish the minimum qualifications for instructors  
30 and certify instructors.

1           (6) Consult, cooperate and contract with universities,  
2 colleges, law schools, community colleges and institutes for  
3 the development of basic and continuing education courses for  
4 eviction agents.

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

8           (8) Certify eviction agents who have satisfactorily  
9 completed the basic and continuing education and training  
10 requirements under this subchapter and issue appropriate  
11 certificates to the eviction agents.

12           (9) Make rules and perform other duties as may be  
13 reasonably necessary or appropriate to administer the  
14 program.

15           (10) Prepare an annual report to the Governor and the  
16 General Assembly concerning:

17               (i) The administration of the program.

18               (ii) The activities of the board.

19               (iii) The costs of the program.

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

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

25 § 2314. Continuing education.

26           The board shall establish a mandatory continuing education  
27 program for eviction agents, which shall include no more than 40  
28 hours per year, concerning subjects the board may deem necessary  
29 and appropriate for the continued education and training of  
30 eviction agents.

1 § 2315. Use of firearms.

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

7 § 2316. Certification.

8 After the establishment, implementation and administration of  
9 the program, an eviction agent may not perform a judicial duty  
10 unless the eviction agent has been certified under this  
11 subchapter by the board.

12 § 2317. Complaint process.

13 (a) Authorization.--The board shall establish and maintain a  
14 complaint process to accommodate the reporting of misconduct or  
15 incompetency by an eviction agent in the performance of a  
16 judicial duty during the eviction process.

17 (b) Posting of information.--Complaint forms and the  
18 submission process shall be posted on the publicly accessible  
19 Internet website of the sheriff's office in a city of the first  
20 class.

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

23 (1) A supervisor of the eviction agent files a complaint  
24 alleging that the eviction agent engaged in misconduct or  
25 inappropriate behavior or is incompetent to discharge  
26 official duties because of intemperance or neglect of duty.

27 (2) A person files a complaint alleging that the  
28 eviction agent engaged in misconduct or inappropriate  
29 behavior or is incompetent to discharge official duties for a  
30 reason other than intemperance or neglect of duty. This

1 paragraph includes an act of oppression of a litigant or  
2 witness.

3 (d) Investigations and disciplinary action.--As necessary,  
4 the board may investigate complaints and take disciplinary  
5 action against an eviction agent who is in violation of this  
6 subchapter.

7 (e) Notification.--The board shall notify the Sheriff and  
8 Deputy Sheriff Education and Training Board within 15 days of  
9 receiving a complaint of the occurrence of an event described  
10 under 44 Pa.C.S. § 7429(a) (relating to revocation of  
11 certification).

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

14 (1) Standards and guidelines for receiving,  
15 investigating and issuing disciplinary orders for complaints  
16 against sheriffs or deputy sheriffs.

17 (2) Notice of a disciplinary action and the right of  
18 sheriffs or deputy sheriffs to request a hearing.

19 Section 4. Title 68 is amended by adding a chapter to read:

20 CHAPTER 25

21 EVICTION PROCEDURE IN CITIES OF THE FIRST CLASS

22 Sec.

23 2501. Definitions.

24 2502. Behavioral health professional accompaniment.

25 § 2501. Definitions.

26 The following words and phrases when used in this chapter  
27 shall have the meanings given to them in this section unless the  
28 context clearly indicates otherwise:

29 "Behavioral health professional." A qualified professional  
30 who:



1           (1) Has a bachelor's degree, graduate degree or the  
2 international equivalent from an institution accredited or  
3 evaluated by an organization recognized by the Department of  
4 Human Services in a generally recognized clinical discipline  
5 that includes mental health clinical experience.

6           (2) Has mental health clinical experience.

7           (3) Is licensed or certified by the Commonwealth.

8           "Eviction agent." An employee of the sheriff of a city of  
9 the first class who is assigned to perform a judicial duty in a  
10 city of the first class.

11           "Judicial duty." As defined in 42 Pa.C.S. § 2311 (relating  
12 to definitions).

13           § 2502. Behavioral health professional accompaniment.

14           (a) Requirement.--Notwithstanding any other provision of  
15 law, a behavioral health professional must accompany an eviction  
16 agent when the eviction agent is performing a judicial duty.

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

24           Section 5. Repeals are as follows:

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

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

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