The proposed bill seeks to amend the Philadelphia Code by adding a new Section 10-840, “Criminal and Defiant Trespassers” in an effort to address perpetrators commonly known as squatters. SeniorLAW Center opposes the bill.

Partial Testimony before Council of the City of Philadelphia, Committee on Housing, Neighborhood Development and the Homeless

Bill No. 180430

June 4, 2018

Cateria R. McCabe, Esquire, Director, Veterans, Kinship Care and Tenant Rights

“In our work we come across cases whereby persons will attempt to gain access to seniors’ homes and then refuse to leave, often resulting in dangerous and threatening situations for the seniors located in the home. As others have testified before this committee, these seniors are made vulnerable longer because the process for removing these trespassers can take three to six months for an ejectment…. While we applaud the attempt to ensure that dangerous trespassers are removed more swiftly from properties under Bill No. 180430, we continue to have concerns that the proposed bill will have negative consequences for innocent seniors in our community. Where a perpetrator has forced a senior to sign over their property through fraud, undue influence or threats, the perpetrator could sign an affidavit, file an ejectment and force the senior out of their home. Additionally, as more seniors lose their lifelong homes as the result of tax foreclosure, under the proposed legislation, a purchaser of the property at Sheriff Sale could have the senior removed from the home, and potentially arrested, even though that senior may have a right of redemption under the law. Similarly, a tenant with an oral lease who has no written proof of a contractual relationship or payment of rent may be arrested and removed from their home.

We are deeply concerned about situations where bad actors will make false affidavits. The danger is great that perpetrators currently preying on vulnerable seniors will use the provisions of this bill to complete their attempts at gaining control of a senior’s residence and rendering the senior homeless….

SeniorLAW Center is of the opinion that the Bill in its present form is too broad and has unenforceable provisions where the legislative branch seeks to create procedures for the judiciary. Moreover, the fact that a similar bill was voted down in November emphasizes the need to proceed with caution. In an effort to protect citizens, we must not make the error of causing harm. It is important to be committed to carefully weighing the options and reaching sound solutions that would accomplish the goal of evicting trespassers within the law while protecting those who could be victimized by unscrupulous perpetrators seeking to take advantage of the vulnerable. We therefore support the pragmatic approach of creating a task force. The members would include stakeholders dedicated to evaluating the policies in place, exploring the need for systemic changes and determining ways to make impactful changes for the protection of Philadelphia citizens with trespassers in their homes. We are ready to serve on that task force, if created, as the primary provider of legal services and advocacy for seniors in Philadelphia and across Pennsylvania, as well as the only nonprofit in the Commonwealth dedicated to protecting elder rights.

SeniorLAW Center looks forward to continued work with you to make our city a safer home for our senior population and empowering our senior citizens in their fight against exploitation and abuse. Thank you.”