

Legislation Text

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Calling on the First Judicial District to develop user-friendly forms to improve access to justice for unrepresented victims of illegal possession of real property, and to facilitate an improved process for said victims to be heard by the court to address the rising level of illegal possessions of residential properties, and to address the problems with the current system, so as to prevent delayed justice and irreparable harm to homeowners.

WHEREAS, There is an increase in illegal possession of real property in Philadelphia by third parties who are knowingly taking control of properties when they have no legal right to be in possession of the property; and

WHEREAS, These illegal possessions include, but are not limited to, instances of people refusing to leave properties after being granted limited entry by the resident, people taking up residence in vacant properties listed for sale, or people taking up residence in vacant properties under construction or during rehabilitation of the property; and

WHEREAS, These cases frequently involve tangled title issues or seniors who are victims of abuse, exploitation, and intimidation; and

WHEREAS, Trespass is a crime in Pennsylvania under 18 Pa.C.S.A. § 3503; and

WHEREAS, While Philadelphia has a long history of responsible citizens taking occupancy of long-term vacant properties and returning them to viable use, this is a relatively new and different problem, where persons are unlawfully occupying properties that may or may not have been abandoned by their owners; and

WHEREAS, It is of the utmost importance to protect the rights of property owners who fall victim to illegal trespassers without infringing on the rights of those who are rightfully occupying a property; and

WHEREAS, There are important safety issues for the Philadelphia community implicated in the illegal trespass and illegal possession of real property; and

WHEREAS, Disputes between property owners and people in possession can create heated situations that have the potential to disrupt the peace and erupt into violence; and

WHEREAS, Because it is not always immediately evident whether or not a party has a lawful right to occupancy of a property, it is essential that the courts be available to parties to fairly and expeditiously resolve disputes; and

WHEREAS, However, there is also the risk that expedited procedures for the ejectment of unlawful occupants could be used by unscrupulous individuals against lawful occupants as a shortcut around appropriate eviction or ejectment procedures; and

WHEREAS, Victims of illegal possessors often encounter barriers to access the justice system, including

difficulties in getting the Police to enforce the criminal trespass laws of Pennsylvania, difficulties locating the correct court to bring civil ejectment proceedings, difficulties filing documents without legal counsel, and difficulties getting emergency relief from the court when appropriate; and

WHEREAS, Many homeowners who are victims of illegal possessors have difficulty availing themselves of existing court processes such as the process for emergency injunctive relief either because they do not understand the process or because they are not represented by counsel; and

WHEREAS, The First Judicial District can take steps now to address the problems with the current system, so as to prevent delayed justice and irreparable harm to home owners; and

WHEREAS, For example, the First Judicial District can improve access for unrepresented litigants to the courts by creating user-friendly forms for emergency injunctive relief for use by unrepresented litigants when permanent harm is resulting from illegal possession of a property, such as in circumstances where the property is also the primary residence of the owner, or where an illegal possessor is vandalizing the property or disposing possessions from within the property; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby calls on the First Judicial District to develop user-friendly forms to improve access to justice for unrepresented victims of illegal possession of real property, and to facilitate an improved process for said victims to be heard by the court to address the rising level of illegal possessions of residential properties, and to address the problems with the current system, so as to prevent delayed justice and irreparable harm to homeowners.

FURTHER RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby calls for the formation of an interagency task force to investigate and prosecute those involved in an ongoing criminal enterprise of criminal trespass or fraudulent leasing of properties they do not have legal right to control.

FURTHER RESOLVED, That copies of this resolution be transmitted to the First Judicial District's Administrative Governing Board, the President Judge of the Philadelphia Court of Common Pleas, the Philadelphia Police Commissioner, and the Philadelphia Office of the District Attorney as evidence of the grave concern of this legislative body.