

Legislation Text

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Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” by providing for the licensing of persons responsible for performing tenant evictions at residential properties, under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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CHAPTER 9-800. LANDLORD AND TENANT

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§9-812. *Licensing of Eviction Officers.*

(1) *Definitions.*

(a) *Enforcement Agency.* *The Department of Licenses and Inspections, or such other agency as the Mayor may designate.*

(b) *Eviction Officer.* *A private person that performs or offers to perform the eviction of a tenant from a residential property by serving a writ of possession or alias writ of possession.*

(c) *Private Person.* *An individual, other than a City officer or employee operating in an official capacity, or a corporation, partnership, association or other entity that is not incorporated as a governmental entity.*

(2) *License Requirements.*

(a) *No private person may act as an eviction officer unless that person possesses a current and valid license issued under this Section. Such license shall be issued and renewed annually.*

(b) *No license may be issued unless the applicant submits an application that the Enforcement Agency determines satisfies all requirements for initial license issuance or license renewal, as applicable, including at least the following:*

(.1) *The applicant’s name, home address, phone number(s), email address and date of birth;*

(.2) *A copy of the applicant's commercial activity license and tax identification number;*

(.3) *Proof of the applicant's successful completion of the training requirements set forth in subsection 9-812(3) that includes the name of each third-party trainer, the dates of each training course, and a copy of each course certificate of completion;*

(.4) *Proof of current professional liability insurance to the following extent at a minimum, or such other insurance or in such amount as set forth in the regulations issued by the Enforcement Agency:*

(.a) *per incident, two million dollars (\$2,000,000);*

(.b) *per year, four million dollars (\$4,000,000).*

(.5) *Certification that the applicant is not delinquent in the payment of any taxes or fees due to the City or of any fines imposed for any violation of this Code or regulation promulgated under this Code.*

(.6) *Certification that the applicant is in compliance with all applicable laws of the Commonwealth relating to the operation of its business;*

(.7) *Certification that the applicant was not involved in any incident of violence or use of force in performance of an eviction or other employment duties during the previous 12 months;*

(.8) *Payment of an application fee of five hundred dollars (\$500) or, in the case of license renewal, annual renewal application fee of three hundred dollars (\$300).*

(3) *Training Requirements.*

(a) *Prior to obtaining a license under this Section, an eviction officer shall complete a formal program that provides at least 189 hours of training and meets or exceeds the following requirements:*

(.1) *8 hours of professional development;*

(.2) *12 hours of civil law and process;*

(.3) *4 hours of use of force;*

(.4) *8 hours of defensive tactics;*

(.5) *4 hours of OCAT Oleoresin Capsicum (pepper spray);*

(.6) *4 hours of Monadnock Expandable Baton;*

(.7) *4 hours of management of aggressive behavior;*

- (.8) 8 hours of cultural diversity;
- (.9) 12 hours of ethics;
- (.10) 24 hours of safety and crisis management;
- (.11) 16 hours of emergency services and tactical first aid;
- (.12) 40 hours of basic firearms;
- (.13) 40 hours of crisis intervention; and
- (.14) 5 hours of dangerous dogs and stray animals training.

(b) Prior to renewing a license under this Section, an eviction officer shall complete a formal program that provides at least 29 hours of training and meets or exceeds the following requirements:

- (.1) 4 hours of de-escalation;
- (.2) 3 hours of legal updates, which may include information about Philadelphia resources and services;
- (.3) 4 hours of disease of addiction;
- (.4) 2 hours of judgmental use of force;
- (.5) 2 hours of cultural diversity;
- (.6) 2 hours of effective communication;
- (.7) 2 hours of ethics; and
- (.8) 10 hours of firearms.

(c) All training required by this subsection 9-812(3) shall be certified by the Pennsylvania Commission on Crime and Delinquency unless otherwise authorized by the Enforcement Agency.

(4) *Additional Requirements.*

(a) An eviction officer shall visibly carry the license issued under this Section on such officer's person while serving a writ of possession or alias writ of possession.

(b) The Enforcement Agency is authorized to, by regulation, establish additional training requirements beyond those set forth in subsection 9-812(3) and otherwise augment the standards for license issuance and renewal.

(5) *License Suspension and Revocation; Other Remedies.*

(a) *The Enforcement Agency may, after notice and hearing, suspend or revoke any license granted under this Section for any of the following reasons:*

- (.1) *Fraud or deceit in obtaining or renewing a license or permit;*
- (.2) *Failure to comply with the requirements of this Section;*
- (.3) *Failure to comply with provisions of The Philadelphia Code; and*
- (.4) *Such other acts or omissions as the Enforcement Agency may establish by*

*regulation.*

(b) *A person whose license under this Section has been suspended may not reapply for a new license for a period of one (1) year from the date of the first suspension, for a period of two (2) years from the date of the second suspension, and for a period of five (5) years from the date of the third and subsequent suspensions.*

(c) *License suspension and revocation shall be in addition to any fine that may be imposed for violations of this Section or any regulations issued under this Section. Violation of this Section shall subject the eviction officer to a fine not exceeding the maximum fine for Class III offenses as set forth in Section 1-109.*

SECTION 2. This Ordinance shall take effect 9 months after it becomes law.

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**Explanation:**

*Italics indicate new matter added.*