

# CITY OF PHILADELPHIA ANTI-LOCKOUT ORDINANCE

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## CHAPTER 9-1600. PROHIBITION AGAINST UNLAWFUL EVICTION PRACTICES

### §9-1601. Legislative Findings.

The Council of the City of Philadelphia hereby finds:

- (1) Each year, thousands of tenants in the City of Philadelphia are subjected to actual or threatened use of self-help eviction practices.
- (2) Many tenants victimized by self-help eviction are low and very low income persons and are particularly vulnerable to being deprived of their rights to judicial process.
- (3) Self-help evictions exacerbate the incidence of homelessness among the City's low and very low income population.
- (4) Existing remedies do not afford adequate protection against unlawful eviction.
- (5) Self-help eviction practices include the use of violence and the infliction of physical harm upon tenants in efforts to force tenants to vacate their rental dwellings without recourse to judicial process.
- (6) Typical examples of self-help practices include lock-outs without court authorization, intentional interference with vital utilities, such as heat, electricity, water and gas, and the seizure of tenants' personal property.
- (7) Self-help evictions deprive tenants of their opportunity to assert defenses, such as the existence of defective conditions within the leased premises, in a judicial proceeding and thereby impacts adversely upon the City's efforts to enforce the Housing and other Chapters of The Philadelphia Code.
- (8) Termination of utilities and blockage of means of ingress and egress from dwelling units create conditions that are themselves violations of The Philadelphia Code.
- (9) The existing remedy to prevent self-help eviction is limited to a private civil action to obtain injunctive relief in the Court of Common Pleas.
- (10) Court costs, attorney fees and, most significantly, the delays inherent in private civil actions, frequently deter tenants from taking action against self-help eviction processes.
- (11) The provisions of this Chapter are necessary to discourage unlawful, self-help evictions by providing substantial penalties for said offenses.

### §9-1602. Definitions.

#### (1) *Self-Help Eviction Practices.*

(a) Self-help eviction practices are actions by a landlord or landlords' agents taken without legal process to dispossess or attempt to dispossess a tenant from a dwelling unit or engaging or threatening to engage in any other conduct which prevents or is intended to prevent a tenant(s) from lawfully occupying their dwelling unit. Such self-help eviction practices include, but are not limited to, the following activity: plugging, changing, adding or removing any lock or latching device to a dwelling unit or otherwise blocking access to the unit; removing windows and doors from a dwelling unit; interfering with utility services to the unit, including, but not limited to, electricity, gas, hot or cold water, heat, or telephone service; forcing a tenant to vacate by the use of force or threat of violence or injury to a tenant's person or property; by engaging in any other activity or pattern of activity rendering a dwelling unit or any part thereof inaccessible.

(b) Self-help eviction practices include the failure to take reasonable and prompt remedial action to restore access and habitability to a dwelling unit following any incident of the landlord conduct described in sub-section (1)(a) above.

(2) *Landlord.* The term "landlord" as used in this Chapter includes the lessor of any residential dwelling unit.

(3) *Dwelling Unit.* The term “dwelling unit” as used in this Chapter includes any building or structure, or part of a building or structure, which is used for living or sleeping by human occupants, subject to the licensing requirements of Chapter 7-500<sup>l</sup> of The Philadelphia Code.

(4) *Tenant.* The term “tenant” as used in this Chapter shall include any person or persons in possession of a dwelling unit for a week-to-week term or any longer term by virtue of a written or oral agreement with a landlord. The term “tenant” shall include, for purposes of this ordinance, a purchaser under an installment land sales contract as defined in 68 P.S. Section 903, 1965, June 8, P.L. No. 81, Section 3. The term shall not include a traveler or transient guest in a hotel or motel.

#### **§9-1604. Restoration of Possession.**

Where the tenant alleges a violation of this Chapter, the tenant may contact the local police to obtain police assistance in regaining entry into the premises. It shall be the duty of the landlord or the landlord’s agent to establish that the eviction action undertaken was lawful by making available to the Police Department a copy of the relevant writ of possession or by verifying the existence of the writ to the Police Department, the Sheriff or the court-appointed landlord-tenant officer for verification thereof. The Sheriff and/or the court-appointed landlord/tenant officers shall maintain records of all current executions of writs issued by the Court so that verification of legal process may be readily obtained. **WHERE THE LANDLORD IS UNABLE TO PRODUCE A COPY OF THE RELEVANT PROOF OF LAWFUL EXECUTION OF A JUDGMENT OF POSSESSION OR OTHER VERIFICATION THEREOF, THE TENANT SHALL BE ENTITLED TO REGAIN POSSESSION OF THE PREMISES IMMEDIATELY AND THE LANDLORD SHALL BE PROHIBITED FROM BLOCKING OR INHIBITING RE-ENTRY IN ANY WAY**

#### **§9-1605. Penalties.**

**ANY PERSON WHO ENGAGES IN THE SELF-HELP EVICTION ACTIVITIES DESCRIBED IN THIS CHAPTER OR WHO ASSISTS IN SUCH ACTIVITIES SHALL BE SUBJECT TO A FINE OR PENALTY OF NOT LESS THAN ONE HUNDRED (100) DOLLARS NOR MORE THAN THREE HUNDRED (300) DOLLARS, OR TO IMPRISONMENT NOT EXCEEDING NINETY (90) DAYS FOR EACH OFFENSE.** Each day a violation continues or is permitted to continue shall constitute a separate offense for which a separate penalty shall be imposed. A violation shall cease when the unlawful conduct as set forth in paragraph (1)(a) ends or when the tenant no longer seeks to exercise his or her rights by regaining possession of said premises.

#### **§9-1606. Enforcement.**

This ordinance shall be enforced through the applicable Rules of Criminal Procedure for the Philadelphia Municipal Court procedures for summary cases.

#### **§9-1607. Remedies Not Excluded.**

Nothing contained in this Chapter is intended to limit existing legal remedies provided to a landlord or tenant.

#### **§9-1608. Severability.**

(1) If any clause, sentence, paragraph or part of this Chapter, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered.