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**CITY OF PHILADELPHIA  
CITIZENS POLICE OVERSIGHT COMMISSION  
PPD POLICY TRANSLATION FOR PUBLIC REVIEW**



<b>Title:</b> Self-Help Evictions	<b>Type of Report:</b> <input checked="" type="checkbox"/> Final <input type="checkbox"/> Supplemental
<b>Type of Report:</b> Policy and practice explainer	<b>CPOC File Number:</b> N/A

**Executive Summary**

Illegal or “self-help” evictions happen when a landlord removes a tenant from their home without following proper court procedures. Self-help evictions are threats or actions by a landlord or their representative to remove a tenant without first following the legal process and obtaining a court order. Self-help eviction practices may include changing locks, turning off utility services, threatening violence, or any other act that makes the rental property unusable or inaccessible.

Landlords who engage in self-help evictions are violating Philadelphia Code, §§ 9-1601 to 1608. Tenants are advised to contact the police to report this illegal practice. The Philadelphia Police Department (PPD) has issued a directive instructing officers on how to respond to self-help evictions.

Illegal evictions have been an ongoing issue for the City of Philadelphia for some time. In an effort to discuss the challenges and improve this issue, the Mayor’s Office launched a working group in 2018. A report was completed in 2019 by the Police Advisory Commission (PAC), now the Citizens Police Oversight Commission, which determined that city residents have raised concerns and made complaints about how police handle these evictions. Although some officers followed the police directive, other officers followed a part of the directive, and some officers did not seem to be familiar with the directive at all. As a result, the tenants receive inconsistent or incorrect information when reaching out to the police for assistance.

To further understand and prevent self-help evictions, stakeholders created an Illegal Evictions Action Team, comprised of city agencies, state agencies, and public interest organizations. The representatives from various organizations have diverse backgrounds and expertise implementing recommendations and advocating for reforms to improve police response to illegal evictions. The members of the team are available to assist with training, education, and recommendations of best practice.

This document includes information on what self-help evictions are and what remedies are available. Additionally, the information is intended to provide clarity regarding lawful evictions which have recently taken place that are separate and distinct from self-help evictions. Self-help evictions are criminal and different from legal evictions, which involve court orders. Landlord-Tenant Officers and Sheriffs conduct legal evictions and do not conduct lockouts without a court order.

### **Self-Help Evictions Directive 3.17**

Philadelphia Police Department Directive 3.17 defines self-help evictions as “any action or threatened action taken, without legal process, by a landlord or a landlord’s agents, which is intended to dispossess a tenant from a dwelling unit or prevents the tenant from lawfully occupying the dwelling unit.” Some examples of unlawful self-help evictions include the following:

- Forcing a tenant to vacate by use of force or threat of violence or injury to the tenant or property.
- Interfering with utility services such as electricity, gas, telephone services, etc.
- Removing or changing locks or blocking access (lockouts).
- Engaging in any activity or pattern of activity which renders a dwelling unit or any part thereof inaccessible to the tenant.

Unfortunately, thousands of tenants in the City of Philadelphia are victimized every year by landlords conducting self-help evictions. This results in a lack of trust in officials and the City of Philadelphia. Philadelphia Police Department Directive 3.17 was drafted to instruct PPD officers about how to intervene in unlawful self-help evictions on behalf of tenants. The Directive specifies that police officers will enforce statutes which prohibit self-help evictions in an effort to protect tenants. When police understand their roles and responsibilities they can prevent or reduce harm to the tenant from such illegal action.

When police are contacted for assistance regarding a self-help eviction, the police should take the following actions:

- Verify the identities of involved parties.
- Contact the landlord if they are not present.
- Issue the Tenant’s Referral Notice and encourage all parties to read the document.
- Require landlord to produce the legal document (Alias Writ of Possession) signed by the judge and required for eviction.
- If landlord does not produce the legal document, advise landlord to obtain the document in order to have the tenant lawfully evicted.
- Inform tenant they are entitled to regain possession immediately if the required legal document is not produced by landlord.
- Provide stand-by assistance while the tenant regains immediate entry.

According to the PPD Directive 3.17, when a landlord has attempted a self-help eviction police will then issue a citation for the violation and prepare a Complaint or Incident Report (75-48) to document police action, which is forwarded to the Special Advisor to the Police Commissioner.

### **Philadelphia Code §§ 9-1603 and 9-1604**

According to Philadelphia Code §§ 9-1603 and 9-1604, landlords may not engage in self-help eviction practices in Philadelphia. The following must be considered to legally evict a tenant:

- Execution of a judgment by a court of competent jurisdiction is required, in accordance with state law.
- Lawful execution of judgment may be performed only by a Sheriff or court-appointed landlord and tenant officer.
- The landlord is required to establish the eviction was lawful by providing PPD with a writ of possession.
- If proof is not provided, and the landlord is unable to produce a copy of the relevant proof of lawful execution of a judgement and possession or other verification thereof, the tenant shall

regain possession of the premises immediately and the landlord shall be prohibited from blocking re-entry in any way.

- Where the tenant alleges a violation, the tenant may contact the local police to obtain police assistance in regaining entry into the premises.

\*Note: The police will not engage in forceful entry into a property, but will ensure the physical safety of all parties, and will not interfere with a tenants lawful rights to regain entry.

### **Self-Help Evictions Resources**

Tenants in Philadelphia can use the following resources if they have questions regarding illegal lockouts:

- Bureau of Consumer Protection (800-441-2555)
- Philly Tenant Hotline (267-443-2500)

Philadelphia Police Officers play a crucial role in decreasing the harm caused by self-help evictions in the City of Philadelphia. The Illegal Evictions Action Team works diligently to assist with education in an effort to rectify ongoing self-help evictions.

### **Questions?**

The Citizens Police Oversight Commission (CPOC) oversees and investigates the conduct, policies, and practices of the Philadelphia Police Department (PPD). The commission works to increase the transparency and accountability of the PPD; improve police conduct; enhance the quality of internal investigations; and improve the relationship between the community and the police department. CPOC provides recommendations on how to improve the police department to the mayor, the managing director, and the police commissioner.

CPOC is always available to accept complaints and comments through our website, <http://www.phila.gov/CPOC>. Please contact us online or by phone, at (215) 685-0891 if you have any questions or concerns about this topic, self-help evictions, or any other topic related to policing.