

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1333 Session of
2024

INTRODUCED BY MASTRIANO AND J. WARD, OCTOBER 3, 2024

REFERRED TO JUDICIARY, OCTOBER 3, 2024

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, providing for unlawful possession and sale or lease
4 of property and for unauthorized occupancy of dwellings.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 36

10 UNLAWFUL POSSESSION AND SALE OR LEASE OF PROPERTY

11 Sec.

12 3601. Unlawful possession of dwelling.

13 3602. Perjury.

14 3603. Fraudulent sale or lease of residential real property.

15 § 3601. Unlawful possession of dwelling.

16 (a) Offense defined.--A person commits the offense of
17 unlawful possession of a dwelling if any of the following occur:

18 (1) The person knowingly enters or remains unlawfully in
19 a dwelling with the intent to commit a crime in the dwelling.

1 (2) The person knowingly enters or remains unlawfully in
2 an occupied building with the intent to commit a crime in the
3 occupied building.

4 (3) The person knowingly enters or remains unlawfully in
5 an unoccupied building with the intent to commit a crime in
6 the unoccupied building.

7 (4) The person knowingly enters or remains unlawfully in
8 a dwelling and intentionally causes \$1,000 or more in damage
9 to the dwelling.

10 (b) Grading.--Unlawful possession of a dwelling is a felony
11 of the third degree.

12 § 3602. Perjury.

13 A person commits the offense of perjury under section 4902
14 (relating to perjury) if the person does either of the
15 following:

16 (1) Swears with intent to mislead a public servant in
17 the performance of the public servant's duty and the person's
18 false statement is material to the action, proceeding or
19 matter involved.

20 (2) Knowingly presents a false document purporting to be
21 a lease agreement, deed or other instrument conveying or
22 providing a right to or in real property to another person
23 with the intent to civilly detain or to remain upon the real
24 property.

25 § 3603. Fraudulent sale or lease of residential real property.

26 (a) Offense defined.--A person commits the offense of
27 fraudulent sale or lease of residential real property if the
28 person does either of the following:

29 (1) Lists or advertises residential real property for
30 sale knowing that the person or the purported seller has no

1 legal title or authority to sell the property.

2 (2) Rents or leases residential real property to another
3 person knowing that the person or the purported lessor has no
4 legal ownership or other authority to lease the property.

5 (b) Grading.--Fraudulent sale or lease of residential real
6 property is a felony of the second degree.

7 Section 2. Title 42 is amended by adding a chapter to read:

8 CHAPTER 68A

9 UNAUTHORIZED OCCUPANCY OF DWELLINGS

10 Sec.

11 68A01. Definitions.

12 68A02. Removal of unauthorized individuals.

13 68A03. Removal of squatter.

14 § 68A01. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Dwelling." As follows:

19 (1) A building, structure, manufactured home or mobile
20 home, or part thereof, used and occupied or intended to be
21 used for human habitation.

22 (2) The term includes any:

23 (i) Outhouse and appurtenance belonging to the
24 dwelling or usually enjoyed with the dwelling.

25 (ii) Manufactured home or mobile home which is used
26 solely for a seasonal vacation purpose.

27 (iii) Residential structure that contains one to
28 four units, whether or not the structure is attached to
29 real property.

30 (iv) Individual condominium unit, home or trailer,

1 if it is used as a residence.

2 (v) Individual residential apartment in any
3 multiunit building.

4 "Holdover tenant." A tenant who stays in a rental property
5 after their lease has ended without the landlord's consent.

6 "Immediate family member." As "immediate family" is defined
7 in 55 Pa. Code § 178.2 (relating to definitions).

8 "Law enforcement agency." Any of the following:

9 (1) A police department of a county, city, borough,
10 incorporated town or township.

11 (2) A county or city district attorney's office.

12 (3) The Pennsylvania State Police.

13 (4) The Office of Attorney General.

14 "Law enforcement officer." A member of the Pennsylvania
15 State Police, an individual employed as a police officer who
16 holds a certificate under 53 Pa.C.S. Ch. 21 Subch. D (relating
17 to municipal police education and training), a sheriff, deputy
18 sheriff or constable.

19 "Periodic tenancy." A written agreement between a tenant and
20 a landlord that the tenant will live on the landlord's property
21 for an undefined term until one of the parties issues, in
22 writing, a notice of termination.

23 "Squatter." An individual occupying a dwelling who is not
24 entitled to occupy the dwelling under a lease or rental
25 agreement or authorized by a tenant to occupy the dwelling. The
26 term does not include a tenant who holds over in a periodic
27 tenancy if a valid written agreement or lease has been signed
28 and executed by both parties.

29 "Tenant." An individual who occupies real property or a
30 dwelling owned by another based upon a written and executed

1 agreement between the individual and the landlord or owner of
2 the property.

3 § 68A02. Removal of unauthorized individuals.

4 (a) Affidavit.--The owner of a dwelling or the agent of the
5 owner of a dwelling may request the removal of an unauthorized
6 individual from the dwelling by submitting a sworn affidavit to
7 a law enforcement agency in the county, city or municipality
8 where the dwelling is located within this Commonwealth
9 containing all of the following elements:

10 (1) The affiant is the owner of the dwelling or the
11 agent of the owner of the dwelling.

12 (2) An individual has entered and is remaining
13 unlawfully in the dwelling.

14 (3) The individual was not authorized to enter the
15 dwelling or remains in the dwelling.

16 (4) The individual is not a tenant or a holdover tenant.

17 (5) The affiant has requested that the unauthorized
18 individual vacate the dwelling as provided under this section
19 and the individual has not done so.

20 (6) The unauthorized individual is not an immediate
21 family member of the owner.

22 (7) There is no pending litigation related to the
23 dwelling between the owner and the unauthorized individual.

24 (b) Form of affidavit.--The sworn affidavit requesting the
25 removal of an unauthorized individual from a dwelling must be
26 substantially in the following form:

27 Affidavit to Remove An Individual

28 Unauthorized to Occupy Dwelling

29 I, the owner, or authorized agent of the owner, of the
30 dwelling located at _____ declare under the penalty of

1 perjury that:

2 1. I am the owner of the dwelling or the authorized agent of
3 the owner of the dwelling.

4 2. The real property is a dwelling.

5 3. An unauthorized individual has unlawfully entered or
6 remained in the dwelling.

7 4. The unauthorized individual is not a tenant, a holdover
8 tenant or an immediate family member of the owner, and any lease
9 that may be produced by the unauthorized individual is
10 fraudulent.

11 5. The unauthorized individual does not have an ownership
12 interest in the property and is not listed on the title to the
13 property unless the individual has engaged in title fraud.

14 6. There is no litigation related to the dwelling pending
15 between the owner, or his or her agent, and any unauthorized
16 individual.

17 7. Notice was provided by hand delivery to the unauthorized
18 individual occupying the dwelling or by posting notice on the
19 front door or entrance of the dwelling, and evidence of the
20 notice, including the date and time of delivery, is attached.

21 8. I understand that an individual removed from the property
22 pursuant to this affidavit may bring a cause of action against
23 me for any false statements made in this affidavit, or for
24 wrongfully using this procedure, and that, as a result of the
25 action, I may be held liable for actual damages, penalties,
26 costs, and reasonable attorney fees.

27 9. I am requesting law enforcement to remove, as soon as
28 possible, the unauthorized individual from the dwelling.

29 10. A copy of my valid government-issued identification is
30 attached, or I am an agent of the property owner, and documents

1 evidencing my authority to act on the property owner's behalf
2 are attached.

3 I have read and assert the truth of every statement made in
4 this affidavit. I understand that my statements in this
5 affidavit are being made under penalty of perjury.

6 {Signature of Property Owner or Agent of Property Owner}
7 {Contact Information of Property Owner or Agent of Property
8 Owner}

9 (c) Process.--Upon receipt of the affidavit, the law
10 enforcement agency shall verify that the affiant is the record
11 owner of the dwelling or the authorized agent of the owner of
12 the dwelling and appears otherwise entitled to relief. Upon
13 verification and after at least 24 hours from receipt of the
14 affidavit, the law enforcement agency shall serve a notice to
15 immediately vacate on the unauthorized individual. Service may
16 be accomplished by hand delivery of the notice to an
17 unauthorized individual occupying the dwelling or by posting
18 notice on the front door or entrance of the dwelling. The law
19 enforcement agency shall also attempt to verify the identities
20 of all individuals occupying the dwelling and note the
21 identities on the return of service. If appropriate, a law
22 enforcement officer may arrest any individual found in the
23 dwelling for trespass, burglary, theft or any other criminal
24 act, or for an outstanding warrant.

25 (d) Notice.--

26 (1) The affiant must provide notice at the dwelling
27 notifying the unauthorized individual that the unauthorized
28 individual has no right to the dwelling and must vacate
29 immediately.

30 (2) The notice must include the street address of the

1 law enforcement agency where the affidavit will be delivered.

2 (3) A copy of the notice with the date and time of
3 delivery must be attached to the affidavit.

4 (e) False affidavit.--An affiant who knowingly provides a
5 false affidavit to law enforcement under this section may be
6 prosecuted for false reporting to law enforcement authorities
7 under 18 Pa.C.S. § 4906 (relating to false reports to law
8 enforcement authorities).

9 (f) Liability.--No law enforcement officer, governmental
10 entity or political subdivision may be held liable for any
11 action or omission made in good faith under this section, to the
12 extent that the laws of this Commonwealth provide that a law
13 enforcement officer is not liable to an unauthorized individual
14 or any other party for loss, destruction or damage of property.

15 (g) Civil action.--An individual may bring a civil cause of
16 action for wrongful removal under this section against the
17 affiant. An individual harmed by a wrongful removal under this
18 section may have the possession of the dwelling restored and may
19 recover actual costs and damages incurred, as well as punitive
20 damages of triple the fair market rent of the dwelling, plus
21 court costs and reasonable attorney fees.

22 (h) Fee.--A law enforcement agency may charge a fee of not
23 more than \$50 to process an affidavit filed under this section.

24 (i) Construction.--This section shall not be construed to
25 limit the rights of a property owner or limit the authority of a
26 law enforcement officer to arrest an unlawful occupant for
27 trespassing, theft, burglary or other crimes.

28 § 68A03. Removal of squatter.

29 The removal of a squatter under this chapter shall not
30 require the use of an eviction action.

1 Section 3. This act shall take effect in 90 days.