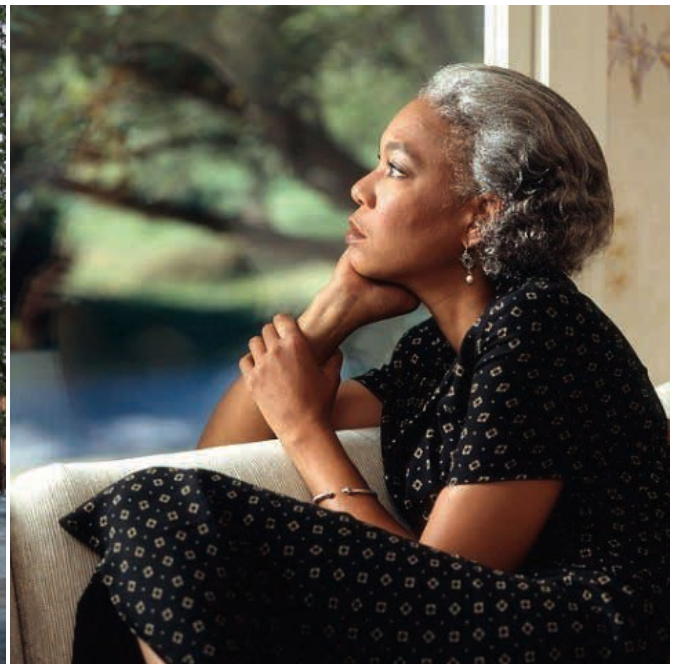
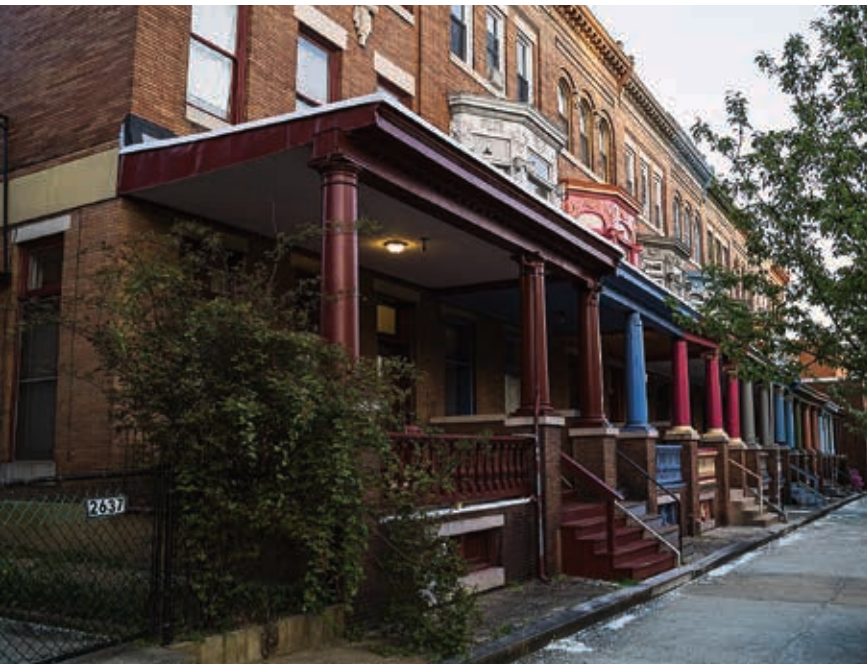




MAYOR'S TASKFORCE ON EVICTION PREVENTION AND RESPONSE

June 2018



report and recommendations

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executive summary

Like many cities across the nation, Philadelphia is currently suffering from an eviction crisis. Evictions are involuntary residential moves initiated by property owners or managers due to the nonpayment of rent, lease violations, end of a lease term, other breakdowns in the contract between landlord and tenant, or a change the use of the property.

Last year in Philadelphia, over 24,000 eviction filings were recorded. This number does not represent tenants who experienced illegal evictions. Studies from other cities indicate that the number of illegal evictions could be double the number of formally filed evictions.

Research shows that eviction is not only a symptom of poverty, but also a root cause. It disproportionately affects women of color with children, and results in great economic burdens on both landlords and tenants. It breaks up communities, hurts prospects for future employment and housing, and increases the need for homeless services. In short, eviction negatively affects everyone involved in the process.

The Mayor's Task Force on Eviction Prevention and Response was established by Mayor James F. Kenney in September 2017. The Task Force consists of 22 appointed members with expertise in housing and landlord tenant issues, including property owners and managers, tenants, researchers, community advocates, and members of City government. The Task Force also received input and ideas from over 200 individuals through focus groups, community forums, and stakeholder interviews.

Over the last nine months, the Task Force has assessed the Philadelphia eviction landscape and best practices in eviction prevention from across the country to identify 17 recommendations in the following areas: Outreach and Education, Resources and Supports, Housing Standards and Enforcement, and Legal Process and Policies.

The Task Force will present these recommendations to Mayor Kenney and City Council for review and discussion. Once implemented, these recommendations will contribute to reducing eviction in Philadelphia. Relevant agencies, providers, and stakeholders that will be vital to implementation have already been identified for many of these recommendations.

Addressing the eviction crisis in Philadelphia through these recommendations will keep Philadelphians safe, supported, and able to fully participate in the city's growth.

recommendations



OUTREACH AND EDUCATION

- 1 Easy Access:** Create a single portal for access to eviction prevention services. Expand the capacity of existing housing counselors and the Tenant Referral Helpline.
- 2 Public Education:** Conduct a public education campaign about eviction and safe, habitable housing. Focus on increasing knowledge of rights and responsibilities of tenants and landlords and encouraging the use of available resources.
- 3 Direct Outreach:** Increase direct outreach to tenants with an eviction filing, and ensure tenants receive notice. Make sure tenants are aware of the eviction filing, the court date, and available resources.

RESOURCES AND SUPPORTS

- 4 Rental Subsidy:** Explore expanding the availability of short- and long-term rental assistance and other affordable housing subsidies.
- 5 Homelessness Prevention:** Run a pilot to replicate HomeBase, New York's targeted homelessness prevention program. This program, focused on at-risk individuals, would provide appropriate wraparound services, possibly including short-term financial assistance, longer-term subsidy, housing counseling, or financial counseling.
- 6 Loans for Repairs:** Fund a program to enable small landlords (those who own four or fewer rental units) to obtain low-interest loans for necessary repairs to their properties, ensuring good-quality, affordable housing for tenants.
- 7 Data on Properties:** Develop a database with publicly available and easily accessible information about landlords and rental properties.
- 8 Sheriff's Sale:** Address the displacement of renters that occurs after a sheriff's sale. This includes expanding the use of sequestration to divert tax-liened properties, and ensuring tenants have adequate notice and funds for moving costs.



HOUSING STANDARDS AND ENFORCEMENT

- 9** **Unlicensed Properties:** Expand the use of data analysis to identify properties being rented without licenses, using predictive models to locate suspected unlicensed rental units, and increase compliance.
- 10** **Code Changes:** Explore code changes, based on further study of best practices, to make enforcement against problematic landlords more efficient and effective.
- 11** **Expanded Inspection:** Expand the existing pilot program for inspection of and enforcement against the most problematic landlords.

LEGAL PROCESS AND POLICIES

- 12** **Good Cause:** Provide good cause eviction protections. City Council legislation would seek to stop evictions due to reasons of discrimination and retaliation by requiring landlords to provide a just or good reason prior to evicting tenants.*
- 13** **Mediation:** Implement two new opportunities for mediation between tenants and landlords, one before an eviction complaint is filed and one after.
- 14** **Rental Documents:** Increase enforcement of requirements related to key rental documents to ensure that current laws around licensing and housing quality are being followed.
- 15** **Legal Representation:** Increase legal representation for low-income tenants, expanding resources for legal representation from legal aid organizations as well as recruitment of volunteer lawyers.
- 16** **Sealing Records:** Advocate for state legislation to permit the sealing of filings and judgments, with the goal of decreasing discrimination against tenants who have previously had an eviction complaint filed against them.
- 17** **Court Accessibility:** Ensure that Landlord-Tenant Court and the mediation process are accessible to individuals who are unfamiliar with the court process.

*This recommendation was not unanimous, but reflects the majority of the task force members.

background

LETTER FROM THE TASK FORCE CO-CHAIRS



Liz Hersh
Director
Office of Homeless Services



Mitch Little
Executive Director
Office of Community
Empowerment and
Opportunity

Philadelphia, like communities across the nation, is facing an eviction crisis. More than one in 14 Philadelphia renters faced the threat of eviction in 2016. Many more were forced to leave their homes due to illegal actions or harassment.

This epidemic has enormous costs for individuals, families, and our communities. People who lose their homes may end up in homeless shelters or in housing that is less affordable and more dangerous than what they left. They may miss school, lose jobs, experience physical and mental health challenges, and disconnect from neighbors and community. As Matthew Desmond observed in his seminal work, *Evicted*, we know now that eviction is not only a result of poverty, but also a cause.

At the same time, there are property owners and managers who struggle to figure out the best way to work with tenants. These landlords, particularly small, low-income landlords, need support to address tough challenges like repairing or replacing costly basic systems such as heat, hot water, windows, and roofs. No one in Philadelphia—not a tenant or a landlord—considers eviction a “successful” outcome. It is an option of last resort, but often the only option available. With so many Philadelphia residents dependent on rental housing, it is time to rethink eviction and create new alternatives.

To address this crisis in a systemic way, Mayor Kenney convened a Task Force of government leaders, elected officials, legal advocates, housing counselors, financial assistance providers, policy experts, rental property owners and managers, and tenants. The Task Force also solicited input from over 200 other practitioners, stakeholders, and community members to inform findings and recommendations. To all who took the time to share their experiences and perspective, thank you. You helped shape this report.

As the directors of the Office of Homeless Services and the Office of Community Empowerment and Opportunity, we were honored to serve as co-chairs for the Mayor’s Task Force on Eviction Prevention and Response. Eviction is core to both our offices’ work to address poverty and homelessness. We are grateful for the mayor’s leadership on this critical issue, and for charging this group of experts with finding real, practical solutions to address eviction.

The recommendations put forth in this report suggest improvements in outreach and education, resources and supports, housing standards and enforcement, and legal processes and policies. The recommendations are intended to provide practical, high impact ways that we as a community can turn the tide on this systemic challenge. To succeed, we will need hard work, resources, commitment, and courage from our many partners throughout the city.

This is the beginning. We look forward to our work together on the eviction crisis.

SCOPE OF THE TASK FORCE

The Eviction Task Force focused on both reducing the number of evictions and diminishing the impact of eviction. The Task Force looked at processes and outcomes for individuals who experience an eviction, whether legal or illegal.

EVICTION DEFINED

Eviction is an involuntary residential move initiated by a property owner or manager due to nonpayment of rent, lease violation, end of a lease term, or other breakdowns in the contract between landlord and tenant. The Task Force's definition includes both formal, legal evictions that are authorized through the Municipal Court and Court of Common Pleas, and informal, illegal evictions. Illegal evictions include illegal lockouts, cutting off utilities, removing doors, tenant harassment, and other cases in which a tenant is forced to move (or feels forced to move) due to a landlord's action or inaction. While the rate of illegal evictions in Philadelphia is not known, some research indicates that illegal evictions occur at double the rate of legal evictions.²

Specifically, the scope of the Eviction Task Force was to:

- » Develop a clear understanding of the Philadelphia eviction landscape, who is being evicted, the eviction process, and current services, resources, and policies.
- » Determine best practices to address eviction.
- » Identify gaps in the eviction prevention and defense system and develop a strategy to reduce evictions and lessen their harmful impact when they take place.
- » Produce a concise report of actionable recommendations.

The information and recommendations assembled below were gathered through the following methods:

- » Focus groups with landlords, property managers, landlord attorneys, Municipal Court staff tenants, tenant attorneys, and community advocates
- » Research on best practices and solutions from other communities
- » Literature review of recommendations from other cities and policy think tanks
- » Surveys of local services and activities
- » Key informant interviews with local and national experts
- » Analysis of local eviction data

In an effort to drill down and develop specific solutions to the eviction crisis itself, the Task Force wanted to begin a conversation about the larger challenges of the lack of affordable, accessible housing, rising rental prices, depressed wages, and displacement due to development, while also recognizing that these issues could not be fully resolved by this group. These important issues are the focus of upcoming plans from the Department of Planning and Development through their Housing Action Plan (expected to be released in fall 2018) and the Office of Homeless Services' Five-Year Plan (expected to be released in summer 2018). This work is expected to include examining the expansion of long-term local rental subsidies.

WHY EVICTION PREVENTION MATTERS

The eviction crisis has enormous costs, both economic and social. Eviction places financial burdens on families, property owners, and public agencies such as the City's homelessness and public housing systems. They lead to more expensive turnover fees for property owners and housing authorities, and burden both property owners and tenants with unplanned financial shocks. Because of its financial and social consequences, eviction is not only a result of poverty, but also a cause.³

Eviction disproportionately affects some populations. In Philadelphia, households headed by black women with children, and by those with low educational attainment are most likely to face forced moves.⁴ Among evicted tenants in Milwaukee, where the problem has been studied most extensively, black women facing eviction outnumbered black men by almost two to one, and white women by six to one.⁵ Given that evictions disproportionately affect people who are socially and economically marginalized, the impact of evictions can be severe and may trigger protracted instability and even homelessness.

Though not everyone who is evicted becomes homeless, eviction can directly cause homelessness. In New York City, shelter applications indicated that the top reason for families to seek shelter was eviction (29%).⁶ Similarly, in Santa Cruz, California, the most frequently reported cause of homelessness among families with children was eviction (30%).⁷ In San Francisco, 13% of survey respondents reported eviction as the primary cause of their homelessness, and 6% reported an eviction record as the cause preventing them from obtaining housing.⁸ In Philadelphia, about 20% of those who enter shelters report eviction as the precipitating reason.⁹

Homelessness is not the only possible harmful consequence of eviction. Studies show that eviction can have negative psychological, medical, and social consequences. Mothers who are evicted are more likely to report depression, parenting stress, and a child in poor health.¹⁰ The trauma associated with forced moves and residential instability can lead to outcomes such as lower school achievement, greater health risks, increased adolescent violence, and increased rates of depression.^{11,12} Additionally, housing loss increases the probability of experiencing job loss, compounding the household's hardship.¹³ Evictions also hurt the neighborhoods where people are evicted. Rapid turnover of households tears at the social fabric and cohesion of a community.¹⁴

When evicted individuals or families do find new housing, they may be more likely to have to move to neighborhoods with higher poverty and crime rates than those who move voluntarily. They are more likely to be forced to live in substandard conditions, often paying the same or more than for the property they left.¹⁵

These studies are consistent with experiences raised in local focus groups and public comment forums held over the past year. The Task Force repeatedly heard that no matter the outcome of the hearing or mediation, having an eviction filing on a tenant's record harms the tenant's ability to find housing in the future. When a landlord files a complaint in Municipal Court, a record of the filing is visible to the tenant's next potential landlord, either directly or through a screening service, effectively creating a "tenant blacklist." An outstanding judgment may also negatively affect the tenant's credit score.

eviction filings and Philadelphia renters

2016



As reported in focus groups with landlords and property managers, eviction is a last resort and is avoided whenever possible. However, eviction remains the sole means of repossessing a property if a tenant ceases payment of rent or causes substantial damage to the property. It can also help to stem losses related to unpaid utilities or fines for improper trash disposal, lot maintenance, or other issues. Landlords emphasized that the costs incurred through court filing fees and storage fees, as well as the loss of revenue during the consequent vacancy, can push some property owners to the brink of bankruptcy, especially smaller, mom-and-pop landlords who operate at extremely slim profit margins.

Property owners also expressed that new regulations that impose excessive costs or restrictions on their ability to evict problem tenants may lead to unintended consequences, such as a net loss of affordable housing units as landlords make the choice to withdraw from the rental market or dramatic increases in rent. Eviction prevention requires a balanced approach that takes into account the concerns and needs of both landlords and tenants, and provides support for small landlords in the form of training, technical assistance, and access to low interest loans for repairs.

causes of evictions

In Philadelphia, for every 100 extremely low-income renter households, there are only 34 affordable units available.¹⁶ As mentioned above, addressing the lack of affordable housing will be a key focus in the Department of Planning and Development's upcoming Housing Action Plan, expected to be released in fall 2018. While housing affordability provides the backdrop to the eviction crisis, other critical factors include habitability, discrimination, and retaliation.

Nonpayment of rent is the most common reason landlords name for eviction, cited in 95% of 2016 cases, and cited exclusively in 67% of those cases. For many landlords, nonpayment of rent could mean being unable to pay their mortgage, and could result in the loss of the property. While nonpayment does occur because the tenant does not have enough money for rent, sometimes nonpayment results when a tenant withholds rent deliberately. For example, withholding rent could be the tenant's response to poor housing conditions. Under Pennsylvania law, when a landlord refuses to make repairs that are vital to the habitability of the property, tenants may choose to legally withhold rent, in an attempt to motivate a landlord to make repairs. In 2017, one in five eviction cases filed in Philadelphia was connected to a property where a code violation was issued within the last year.¹⁸

Habitability issues can also indirectly affect tenants' ability to pay rent. Mold, leaky roofs, pests, or a lack of heat or water can place financial strain on tenants. As a result of unsafe living conditions, tenants may incur medical expenses, legal expenses, and higher utility costs, or have to take off work to tend to these problems. For low-income tenants, these expenses can mean falling behind on rent.

There are many reasons that landlords might not make repairs. They might not be able to afford to, might not know which repairs are their responsibility, might believe that the repairs needed are a result of misuse by the tenant, or might believe that leaving a repair unresolved will have no negative legal or financial ramifications for them. Sometimes, intentionally not making repairs can be a form of illegal eviction. The landlord may want the tenant to leave the property, and may purposefully refuse to make repairs until the tenant is forced to leave due to dangerous living conditions.

Retaliation can be another cause of eviction. As the Task Force heard in focus groups, in some cases tenants assert their right to safe housing, either by requesting an inspection by the Department of Licenses and Inspections (L&I), or by filing a complaint with the Fair Housing Commission. Some landlords respond by filing an eviction complaint in Municipal Court, which is prohibited by the Philadelphia Fair Housing Ordinance. Though this anti-retaliation law exists, it requires proof of the landlord's motive for not renewing the lease, which can be difficult to acquire, and require that the tenant file a complaint in the Fair Housing Commission before the landlord files an eviction complaint in Municipal Court. These issues can be particularly acute for vulnerable populations who may be less likely to assert their rights, such as domestic violence survivors, undocumented immigrants, or LGBTQ youth.

OTHER FACTORS IMPACTING THE EVICTION PROCESS

There are other factors that impact the eviction process. These may not directly cause an eviction, but can serve as barriers to a successful resolution. These factors include lack of understanding of the process, difficulty navigating complex bureaucracies, and a lack of legal representation.

In focus groups and testimonials, tenants described feeling intimidated and confused throughout the eviction process. The environment of Landlord-Tenant Court, which is very familiar to landlords' attorneys, may be daunting and unclear for unrepresented individuals unfamiliar with the process. In addition, tenants may have difficulty missing work or finding childcare in order to attend a hearing, or may not have received notice of their hearing. Missing the hearing (or arriving late) is likely to result in a default judgment automatically entered against the tenant, requiring them to pay back rent or vacate the premises.

Moreover, most tenants are not represented by lawyers, while most landlords are, exacerbating an imbalance in power and knowledge. Of all eviction lawsuits in Municipal Court in 2016, landlords were represented 81% of the time, while tenants were represented in 8.5% of cases. Cases where only the landlord had legal representation constituted nearly two-thirds (74%) of the total.

legal representation

	Cases ¹⁹	Percent of Cases
No parties represented	3,876	17%
Only tenant represented	402	2%
Only landlord represented	16,792	74%
Both parties represented	1,518	7%

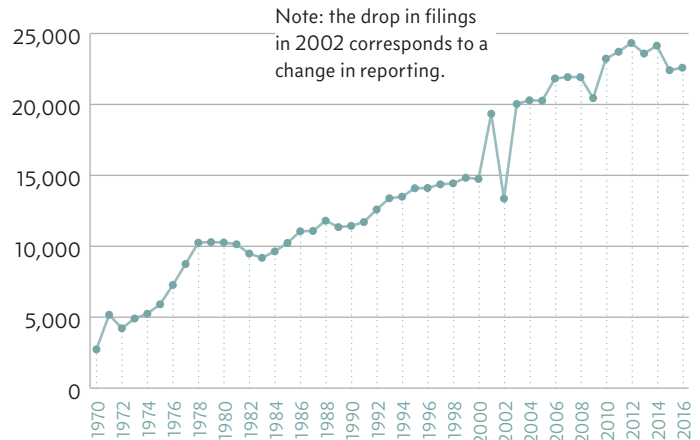
landscape of evictions in Philadelphia

The magnitude of eviction filings, the number of people evicted, and the direction of the trend in Philadelphia all signal a crisis.

In 2016 alone, over 22,500 landlord-tenant cases were filed in Municipal Court, representing more than one in 14 renters. Eviction filings have been on an upward trend since the 1970s, hovering at or above 20,000 filings each year since 2003.²⁰ As a point of comparison, during the height of the mortgage foreclosure crisis, there were 8,398 foreclosure filings in Philadelphia.²¹

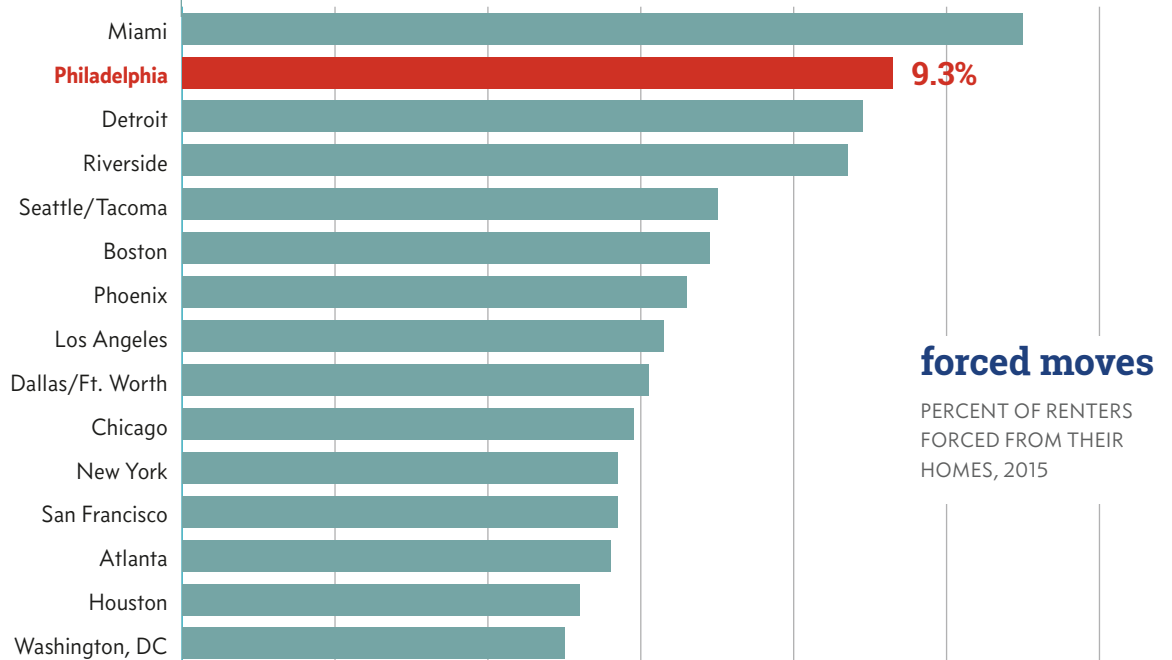
eviction filings

TOTAL EVICTION FILINGS IN PHILADELPHIA MUNICIPAL COURT, 1970-2016



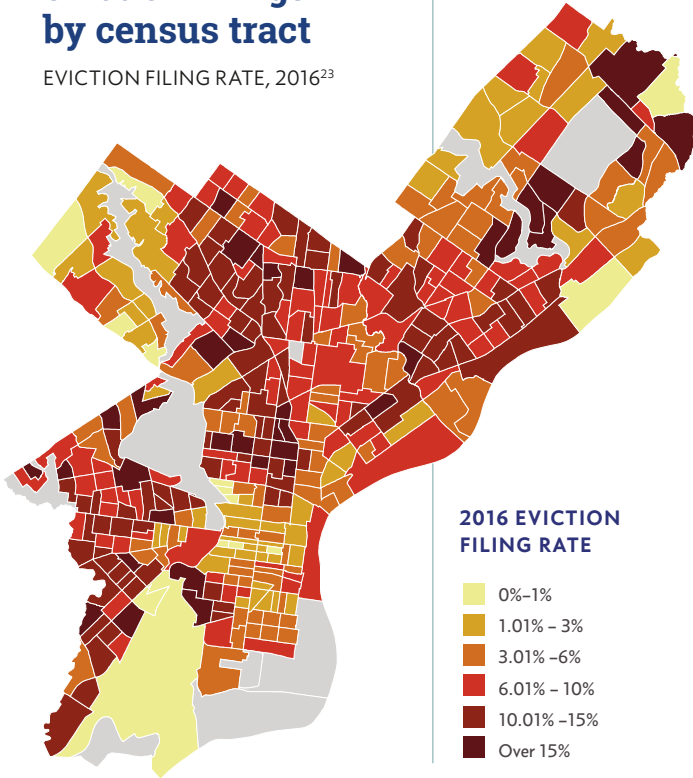
This may be an underestimate of evictions, since illegal evictions occur on a regular basis. In Milwaukee, illegal evictions occur twice as often as legal evictions.²² This means that eviction-related actions in Philadelphia could affect close to one in five renters.

Forced moves affect 9.3% of all renters in the Philadelphia metropolitan area. Philadelphia metro area ranked second only to the Miami region in the share of displaced renters.



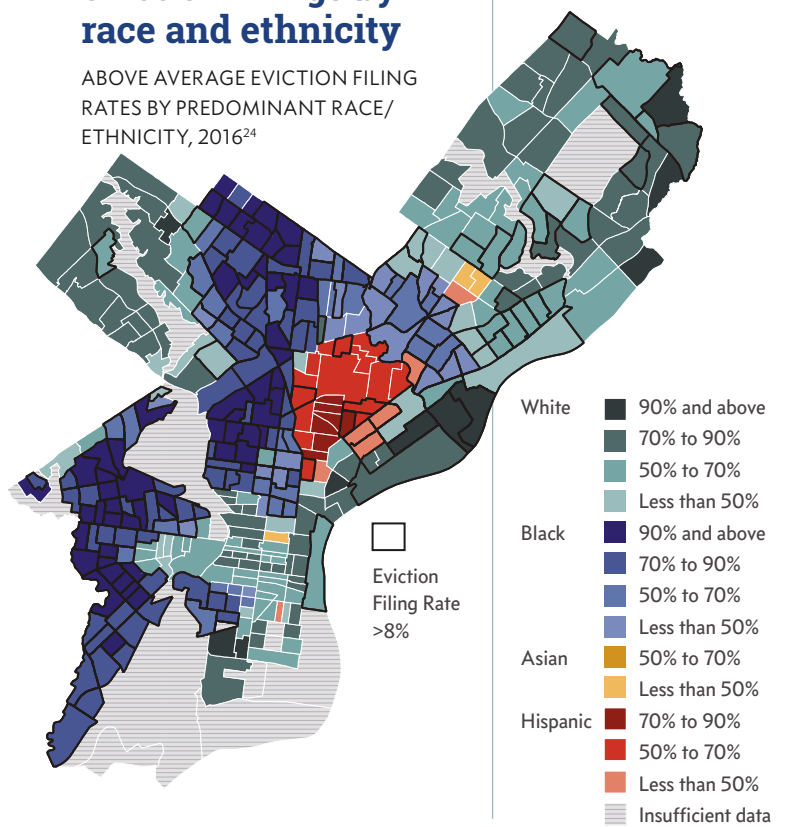
eviction filings by census tract

EVICTION FILING RATE, 2016²³



eviction filings by race and ethnicity

ABOVE AVERAGE EVICTION FILING RATES BY PREDOMINANT RACE/ETHNICITY, 2016²⁴



In the Philadelphia metropolitan region, low-income renters (14%) are more likely than moderate- and higher-income households (12% and 4%, respectively) to be displaced; black households (13%) are more likely than white households (9%) to be forced to move; households with children (16%) are 2.5 times more likely than households without children (6%) to be displaced; and persons with disabilities (12%) are more likely than persons without disabilities (9%) to be displaced.²⁵

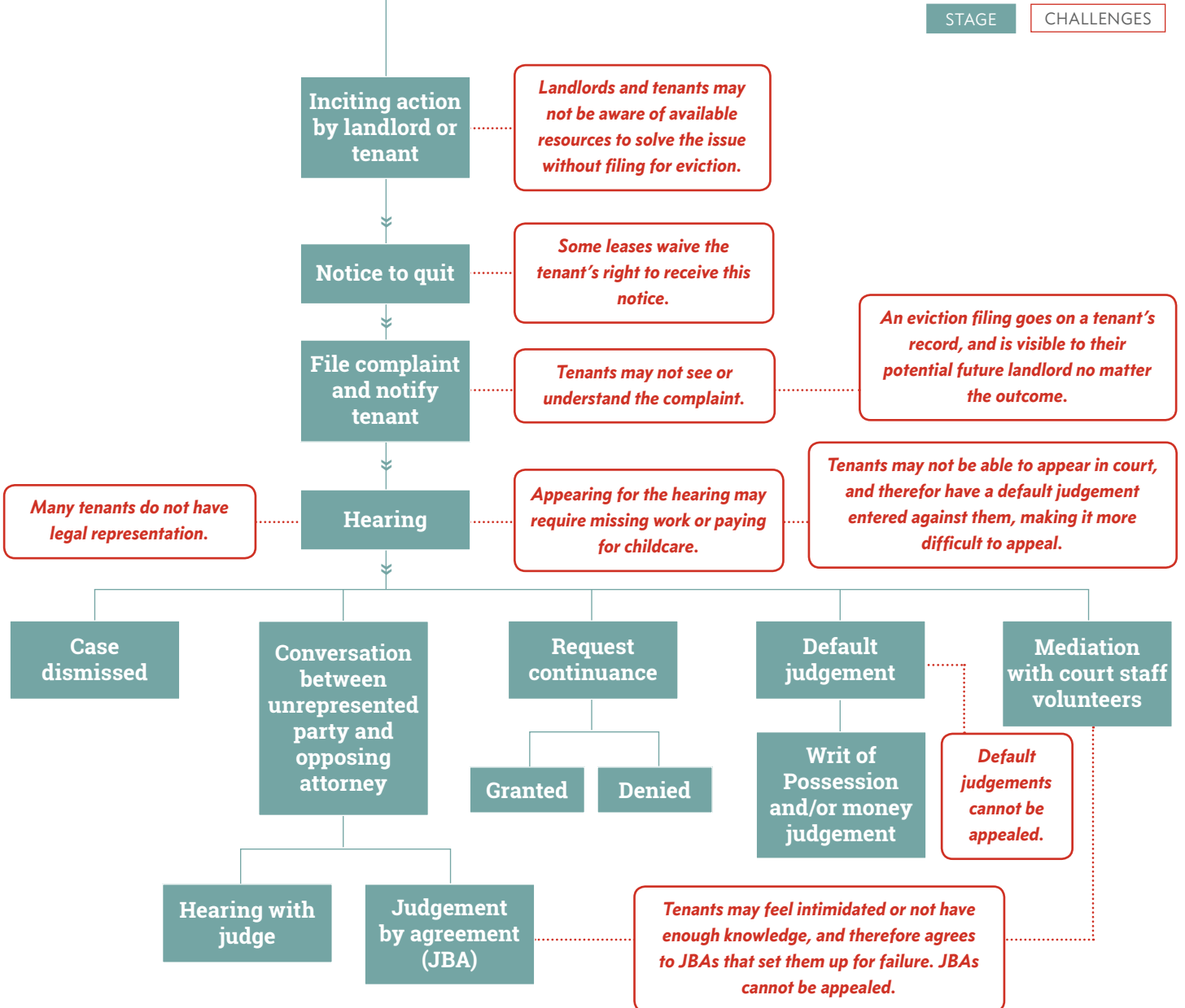
Eviction filings primarily involve tenants from high poverty and predominantly black neighborhoods. The eviction rate is relatively low in affluent, predominantly white neighborhoods such as Center City, Chestnut Hill, and areas of West Philadelphia adjacent to the University of Pennsylvania and Drexel University. Even when controlling for neighborhood median income and the amount of rental housing, evictions were more likely to occur in predominantly black neighborhoods. For each percentage point increase in black residents of a Census tract, the eviction rate increased 0.36%.²⁶

LGBTQ and foreign-born residents are also at greater risk. In a recent national survey, approximately 11% of all transgender and gender nonconforming respondents and 37% of black transgender and gender nonconforming respondents reported being evicted at some point in their lives.²⁷ Conversations from focus groups indicate that immigrants and refugees rarely make it to the formal Municipal Court process. Instead, at the first threat of eviction, tenants will leave, sometime due to explicit threats to disclose a tenant's immigrant status to authorities.

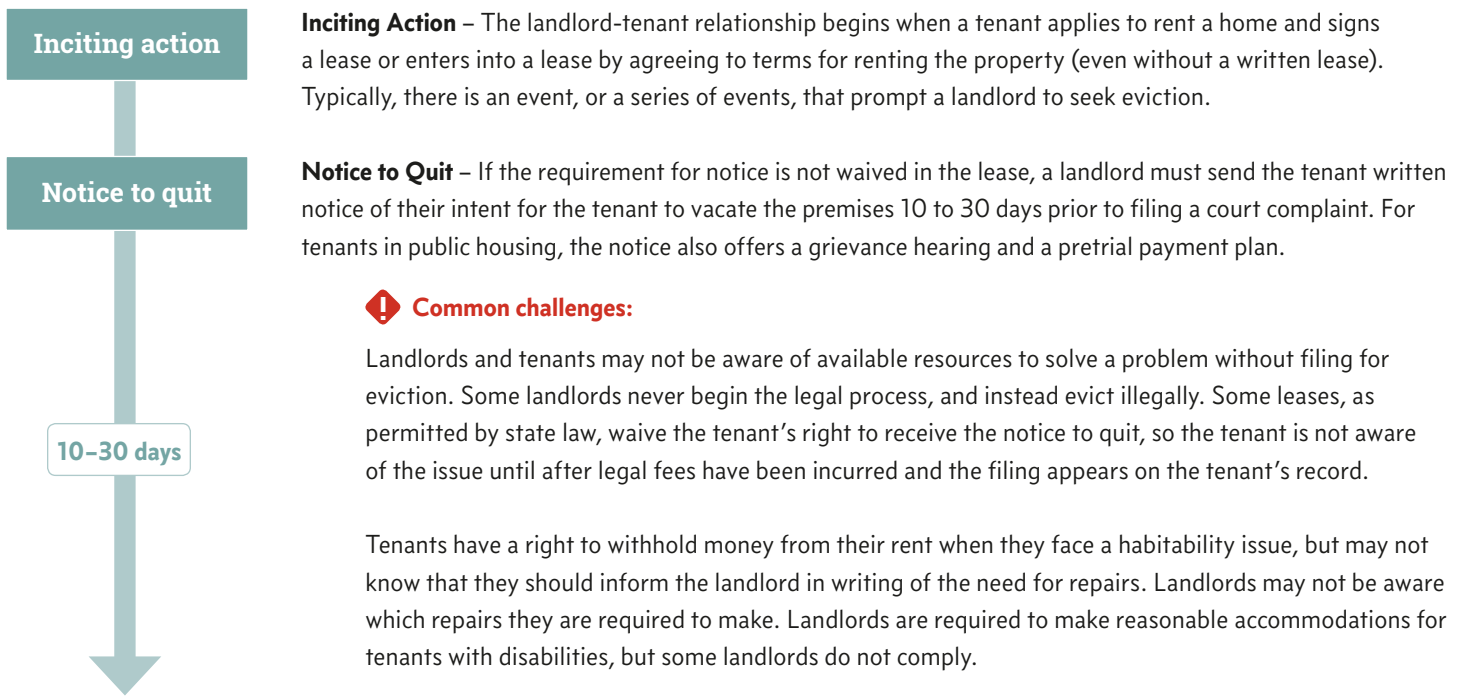
the process of eviction

Understanding how to address the eviction crisis begins with examining the process of eviction. The following is an overview of the legal eviction process, with major steps and common challenges highlighted.²⁸

THE PROCESS OF EVICTION



BEFORE A LEGAL EVICTION



Inciting Action – The landlord-tenant relationship begins when a tenant applies to rent a home and signs a lease or enters into a lease by agreeing to terms for renting the property (even without a written lease). Typically, there is an event, or a series of events, that prompt a landlord to seek eviction.

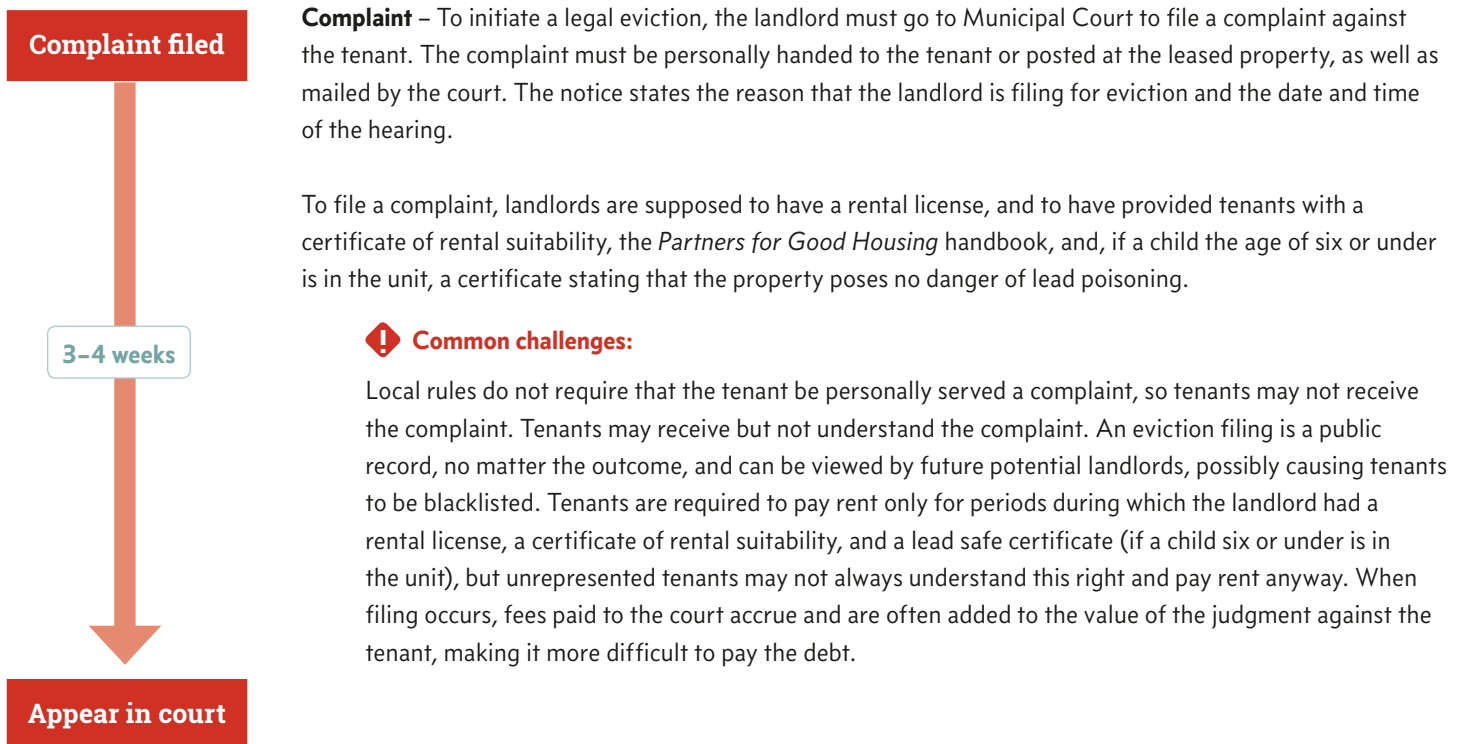
Notice to Quit – If the requirement for notice is not waived in the lease, a landlord must send the tenant written notice of their intent for the tenant to vacate the premises 10 to 30 days prior to filing a court complaint. For tenants in public housing, the notice also offers a grievance hearing and a pretrial payment plan.

⚠ Common challenges:

Landlords and tenants may not be aware of available resources to solve a problem without filing for eviction. Some landlords never begin the legal process, and instead evict illegally. Some leases, as permitted by state law, waive the tenant’s right to receive the notice to quit, so the tenant is not aware of the issue until after legal fees have been incurred and the filing appears on the tenant’s record.

Tenants have a right to withhold money from their rent when they face a habitability issue, but may not know that they should inform the landlord in writing of the need for repairs. Landlords may not be aware which repairs they are required to make. Landlords are required to make reasonable accommodations for tenants with disabilities, but some landlords do not comply.

LEGAL EVICTION PROCESS



Complaint – To initiate a legal eviction, the landlord must go to Municipal Court to file a complaint against the tenant. The complaint must be personally handed to the tenant or posted at the leased property, as well as mailed by the court. The notice states the reason that the landlord is filing for eviction and the date and time of the hearing.

To file a complaint, landlords are supposed to have a rental license, and to have provided tenants with a certificate of rental suitability, the *Partners for Good Housing* handbook, and, if a child the age of six or under is in the unit, a certificate stating that the property poses no danger of lead poisoning.

⚠ Common challenges:

Local rules do not require that the tenant be personally served a complaint, so tenants may not receive the complaint. Tenants may receive but not understand the complaint. An eviction filing is a public record, no matter the outcome, and can be viewed by future potential landlords, possibly causing tenants to be blacklisted. Tenants are required to pay rent only for periods during which the landlord had a rental license, a certificate of rental suitability, and a lead safe certificate (if a child six or under is in the unit), but unrepresented tenants may not always understand this right and pay rent anyway. When filing occurs, fees paid to the court accrue and are often added to the value of the judgment against the tenant, making it more difficult to pay the debt.

Appear in court

Appear for Hearing – Typically three to four weeks after the filing of the complaint, the landlord and tenant are expected to appear in court. In court, if the complaint is not withdrawn, one of the following four actions may occur: continuance, default judgment, meeting between the landlord and tenant or mediation, or hearing.

Common challenges:

For both parties, appearing for the hearing may require missing work or paying for childcare. Tenants may not be able to appear in court, or may be unaware of their hearing, and consequently have a default judgment entered against them.

Option 1: Continuance

Continuance – After receiving notice, either the landlord or the tenant can request a continuance to postpone the hearing. To receive a continuance, a request must be made at least 10 days in advance, or by appearing in court on the day of the hearing. The court may decide not to grant the continuance.

Option 2: Default judgement

Default judgment/case dismissed – If either party is late or misses the hearing, the Court will find in favor of the party present via a default judgment. If neither party is present, the Court will usually dismiss the case. Over half (54%) of all legal evictions are the result of a default judgment entered against a tenant.²⁹

Common challenges:

A default judgment cannot be appealed, only vacated. It is very difficult to reopen a case once a default judgment is entered.

Option 3: Mediation

Meeting between landlord and tenant/mediation – Before going in front of a judge, landlords and tenants are instructed by the Court to go into a separate room to see if they can work out a deal. If one party is represented, the other party will negotiate with the represented party’s attorney, without a court employee or volunteer present. If both parties are unrepresented, a court-provided mediator facilitates discussions between the landlord and tenant. If the parties reach a settlement, they sign a judgment by agreement (JBA) in front of a court employee, who verbally states the terms of the agreement to ensure both parties understand the terms. These agreements are written, binding, and not appealable. 36% of all cases are resolved by a JBA. If either party violates the agreement, the opposing party can file an affidavit of breach, stating in what way the landlord or tenant did not comply. If the court determines that the tenant has breached the agreement, landlords can immediately file for a writ of possession. When a landlord breaches an agreement, a tenant can seek injunctive relief to mandate or prohibit a landlord’s actions, and/or money damages.

Common challenges:

Tenants may feel they do not have enough information or understand the rules well enough to defend their case. They may also lack documents needed to make informed decisions about their budget. In both cases, the result may be an agreement that the tenant is unable to fulfill. In 2016, 38% of JBAs resulted in a breach of agreement.³⁰

Option 4: Hearing and judgement

Hearing – Cases that are not resolved in mediation go before a Municipal Court judge. Landlords and tenants present evidence demonstrating or defending nonpayment of rent, termination of terms, and/or breach of terms.

Common challenges:

There is a wide discrepancy in legal representation: only 8.5% of tenants have legal representation, while 81% landlords are represented.

10 days

THE MEDIATION PROCESS



Appeal – If the court issues a judgment for the landlord to take possession of the property, the tenant has 10 days to file an appeal to the Court of Common Pleas. The appeal stops an eviction from taking place until the court rules on the case, provided the tenant files, the court allows the tenant to stop paying rent to the landlord, and the tenant pays ongoing rent to the court. If the court has issued only a money judgment, the tenant has 30 days to appeal.

Common challenges:

Due to lack of information, tenants are very unlikely to be able to litigate an appeal without legal counsel.

Request for Possession – A landlord can file a Writ of Possession with the Municipal Court 10 days after a judgment for possession is found in favor of the landlord. The Writ notifies the tenant that an eviction will take place on or after 11 days from when the document is posted on the property or handed to the tenant, after the landlord files an Alias Writ of Possession.

Common challenges:

Some tenants report not receiving notice of the court order to take possession.

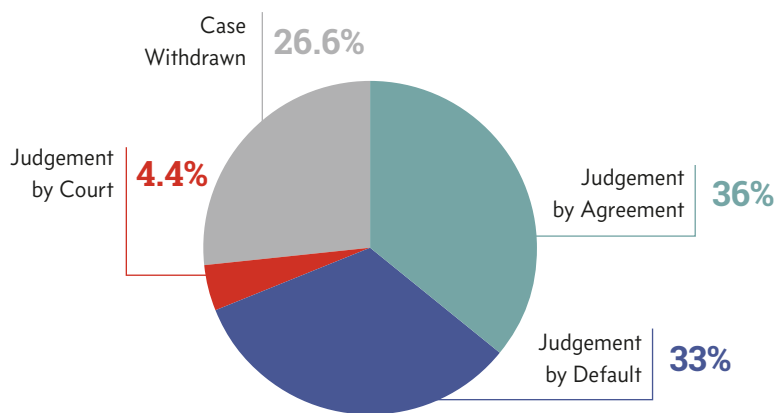
Removal from the Property – Eleven days after the Writ of Possession has expired, the landlord must file for an Alias Writ of Possession. The Sheriff’s Office or a Landlord-Tenant Officer will deliver the document to the tenant’s address, and will physically evict the tenant. The locks are changed, and the tenant will not be able to gain access to the premises to obtain their possessions without contacting the landlord and making arrangements to enter the property.

Common challenges:

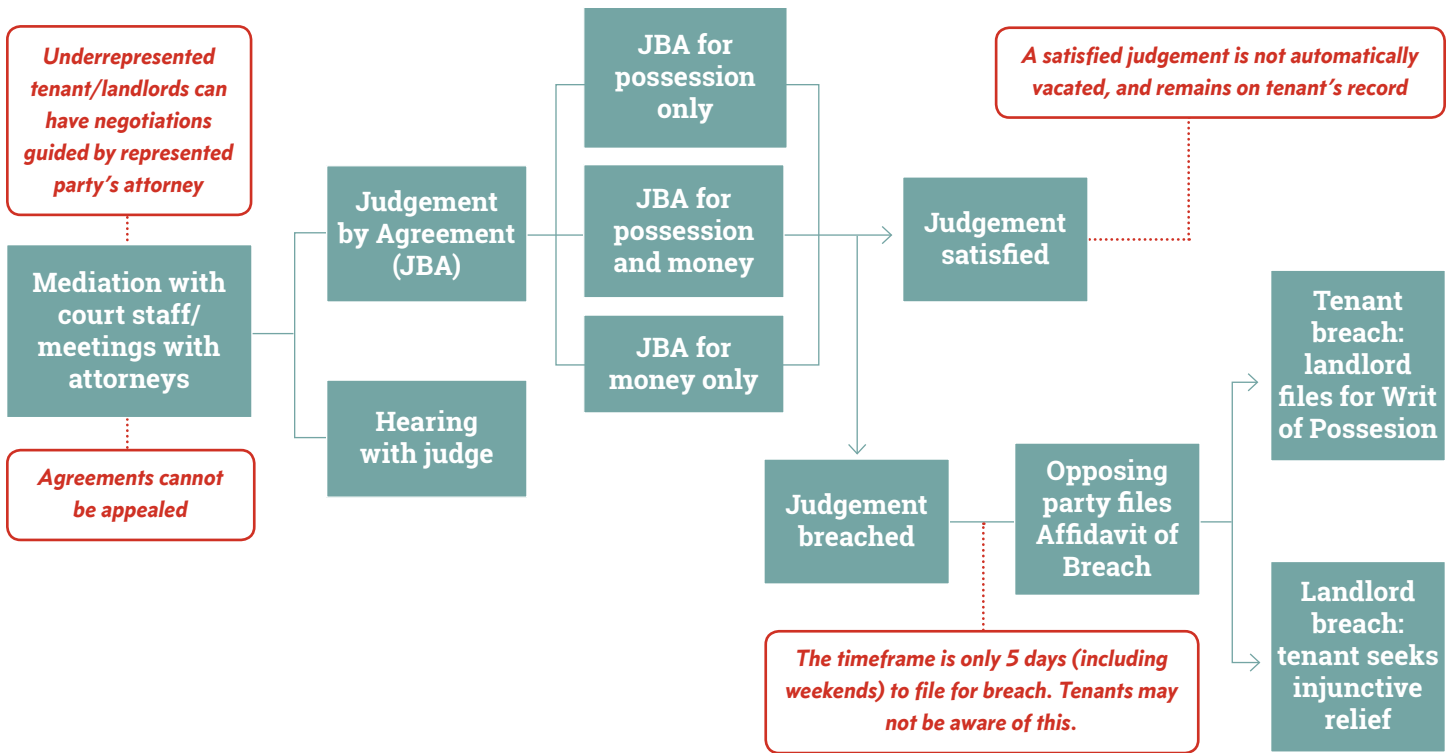
State law requires that landlords store tenants’ possessions for 30 days at cost to the tenant, but some landlords simply move all possessions onto the curb.

how eviction filings resolved

2017



SUMMARY OF THE MEDIATION PROCESS



PROVIDING NOTICE OF AN EVICTION FILING

As described above, the legal eviction process requires that tenants be notified about filings against them.

In Philadelphia, Landlord-Tenant Court requires that tenants be notified of their eviction hearing via two methods: posting the eviction complaint and mailing it to the leased premises. Hand-delivering the notice (referred to as “personal service”) is allowable but not required by Philadelphia Municipal Court.

In all other counties, an attempt at personal service to be made before resorting to notice via posting and mailing. Similarly, in the rest of the state, notice of the property owner’s intent to repossess the property (the writ of possession) is required to be personally served, and if such service is not available, to be posted at the property.³¹ Local rules require only that it be posted at the property.

Without personal service, tenants are less likely to receive the notice, as posted documents may unstick from the door, a mailed envelope may be mistaken for junk mail or not arrive at the correct address, or a posted notice may be affixed to one of multiple entrances to an apartment complex, making it unclear for which resident the notice is intended.

Additionally, other Pennsylvania courts require that the Court note the date that the complaint is mailed to the tenant on the Court’s docket. This process provides accountability for delivering notice. Docketing of mailings does not occur in Philadelphia.

PHILADELPHIA HOUSING AUTHORITY EVICTION PROCESS

The Philadelphia Housing Authority’s (PHA) eviction procedures include some additional notifications and opportunities for dispute resolution. PHA handles approximately 340 cases in Landlord-Tenant Court each month, making it the single largest filer of eviction complaints in Philadelphia.

PHA completes an average of 268 evictions per year, which is approximately 1.8% of its total inventory of public housing units. PHA is the landlord in 14% of Philadelphia eviction cases.³² In a survey of major U.S. cities, among those who responded, Philadelphia had the third-highest rate of evictions from public housing (2.03%).

In PHA’s eviction process, if a tenant has breached a condition of the lease, PHA notifies the tenant that they have 30 days to fix the issue before a complaint will be filed in Municipal Court.

During that 30-day time frame, the tenant is encouraged to work with the property manager to develop a repayment plan or a timeframe for addressing the violation.

PHA provides tenants with three pretrial resolution opportunities before a complaint is filed in Municipal Court:

- » Pretrial repayment agreements for arrearages of less than two months
- » Grievance hearings, held before an impartial hearing officer, for lease terminations due to issues disputed by the tenant
- » Conflict resolution meetings between tenants in dispute with one another

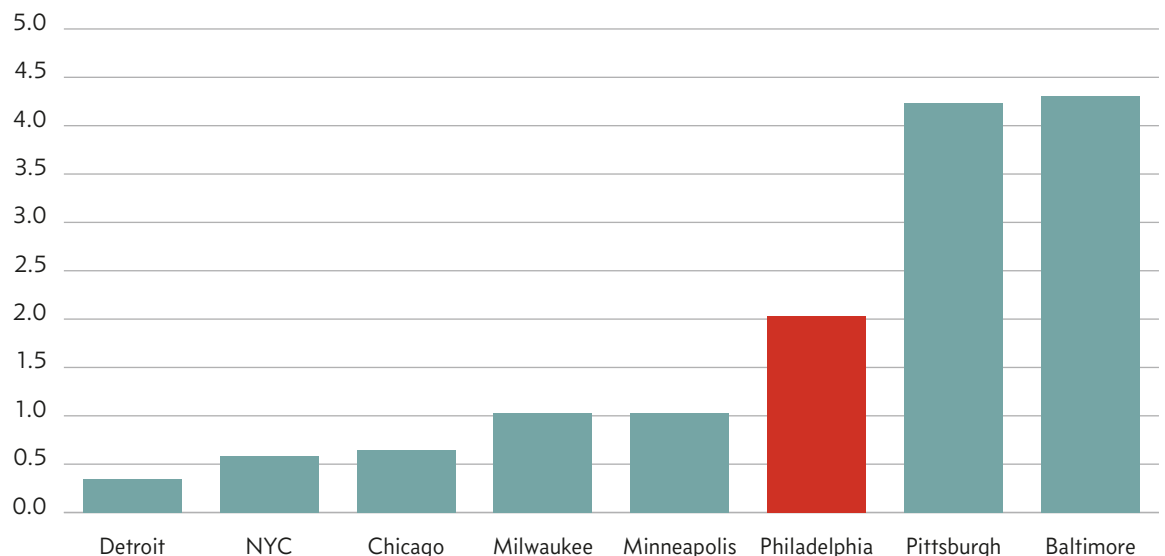
If the tenant does not respond within 30 days and a complaint is filed in Municipal Court, the tenant may still resolve the issue at any point before trial by entering into a repayment agreement or fixing the lease violation.

If the tenant does not respond before the date of trial, PHA and the tenant may enter into a JBA so that the tenant can fix the lease violation over a time frame that works for both the landlord and the tenant.

If the tenant fails to come to the court hearing or does not prevail at trial, PHA may still allow the tenant to fix the lease violation or pay the judgment amount at any point before the day of eviction. In addition, PHA, along with all other local subsidized housing operators and Low Income Housing Tax Credit developments, is required by federal regulations to provide a reason (or “just cause”) for evicting a tenant or ending a lease agreement, and is limited to a small number of allowable reasons for eviction (such as nonpayment of rent or unauthorized occupants in the property). Otherwise, the eviction process follows the typical procedure for market rate housing outlined in the previous section.

evictions executed per public housing-owned property

2017 (%)



PROPERTY FORECLOSURE

A separate legal eviction process exists for foreclosed properties. When properties have outstanding tax or mortgage debts, they may be sold at sheriff's sale. If a property is going through foreclosure and sheriff's sale as a result of outstanding tax debts, any lease between tenant and landlord terminates, with few exceptions.

The new owner may obtain a judgment for possession on the basis of the voiding of the lease through the sale of the property. The sheriff will then serve a writ of possession and evict all occupants.

Tenants in properties that are foreclosed upon for either tax or mortgage debts must be served notice of the foreclosure complaint. Once the foreclosure is served, tenants are supposed to be named as additional defendants in the foreclosure action. Practically speaking, tenants may receive letters in the mail, often addressed to the property owner, stating that a bank or other creditor has started foreclosure proceedings on a property, but they may not understand what this means for their lease agreement. Tenants will also receive notice when the property is up for sheriff's sale, because notice of the sale will be posted on the door of the property.

Even after a foreclosure and sheriff's sale, a property owner cannot engage in a self-help eviction. Tenants living in foreclosed homes can be removed only through the process of ejectment, which is similar to, but more time consuming than, the legal eviction process. To eject a tenant, the new owner must file an ejectment complaint in the Court of Common Pleas and serve this complaint to the tenant. For properties that have undergone mortgage foreclosure, the federal Protecting Tenants at Foreclosure Act provides renters with the right to remain in their homes for 90 days or for the remaining term of their lease, whichever is longer. Tenants who are part of the Housing Choice Voucher Program (formerly known as Section 8) have the right to retain their lease, requiring the new property owner to honor the lease and housing assistance payment contract.³³

If the property has only tax debt, there is an alternative to sheriff's sale that allows tenants to remain in their homes. Properties with only tax debt may be eligible to go through the process of sequestration instead of sheriff's sale.³⁴

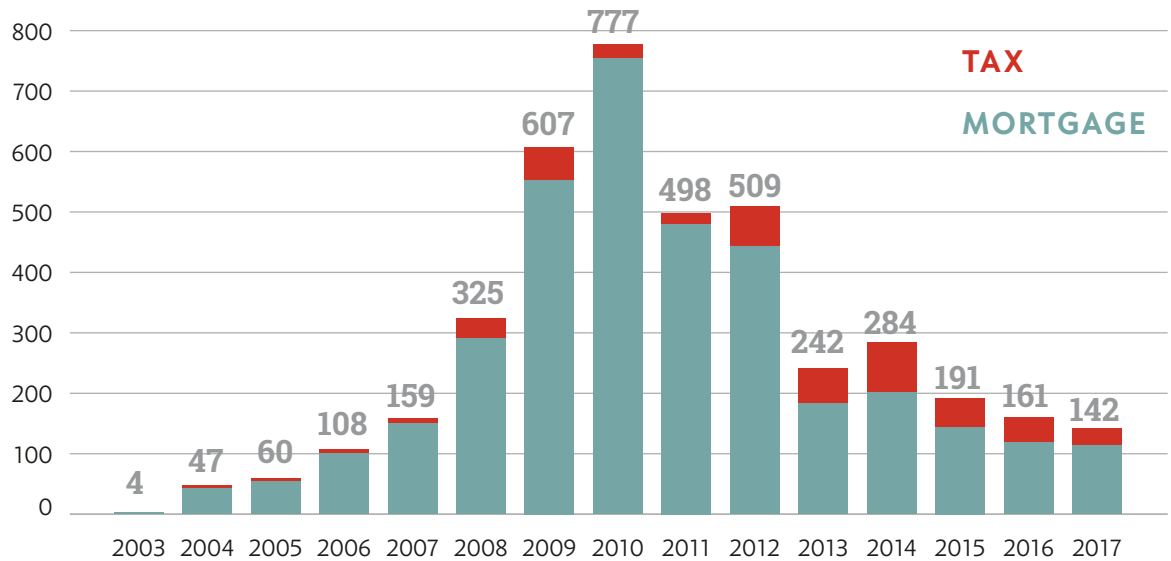
If the City is aware that it is a rental property, the City may request that the court appoint a sequestrator for the property. The sequestrator collects rent directly from tenants, using the collected amounts to pay off tax balances and maintain building operations. Once the debt is repaid, the management of the property reverts to the owner. If the sequestration process is not successful, the property goes to sheriff's sale.

The City has been pursuing sequestration as a mechanism to collect taxes since late 2013. In a five-year period, it has sent nearly 13,400 letters to tax delinquent landlords, entered into approximately 4,300 payment agreements, set up a court-appointed sequestrator for roughly 1,000 rental properties, and transferred 3,570 to sheriff's sale. Roughly 75% of all properties identified as rentals are diverted from sheriff's sale through this process.

In 2017, 142 properties sold at sheriff's sale (114 with mortgage debts, 28 with tax debts) had a current or recent rental license. This number was nearly 800 during the height of the foreclosure crisis. There may also have been more rental properties operating without a license that were foreclosed upon.

rental properties conveyed with a “sheriff deed”

BY FORECLOSURE TYPE³⁵



ILLEGAL EVICTION PROCEDURES

Some landlords choose to illegally bypass the processes described above. As mentioned previously, illegal evictions likely make up a significant portion of the evictions occurring Philadelphia.

If a landlord attempts to illegally force the move of a tenant, the Philadelphia Police Department advises the tenant to call 911, and 911 will dispatch a police officer. At the scene, the officer will try to establish the identities of the parties involved to confirm the landlord-tenant relationship. The officer may ask to see a lease from the tenant. If no written lease exists, the tenant can provide a rent receipt or other proof of payment to demonstrate tenancy.

If the landlord is present, the officer will ask for a copy of the alias writ of possession to verify that the legal process of eviction has been followed. Alternatively, a phone call to Philadelphia Municipal Court Judgment and Petition Unit (during business hours) can verify the lawfulness of the eviction. If the landlord is not present, the officer will attempt to contact them.³⁶

If the landlord is unable to produce proof of the alias writ of possession, the officer will inform the tenant that they are entitled to immediate repossession of the residence, and inform the landlord that they are obligated to restore access or habitability of the property or face a citation.³⁷

The officer will remain in the area while the tenant regains immediate reentry.³⁸ While on the scene, the responding officer will hand out the “Tenant’s Referral Notice,” a palm card containing contact information on support services. Following the incident, the responding officer will prepare a report documenting pertinent information and action taken by the police.³⁹

The scale of illegal evictions is challenging to define. Incidents involving illegal evictions are cited in police records as “disturbances,” making it difficult to parse illegal evictions from other similarly cited incidents. In addition, not all tenants facing illegal eviction take the step of calling 911 or requesting police involvement.

FEDERAL AND STATE RULES RELATED TO EVICTION

Legal eviction processes and the lease relationship between landlords and tenants are regulated by federal, state, and local laws. The Landlord-Tenant Act of 1951 is the primary state statute governing residential leases.

The act sets out the rights and responsibilities of tenants and landlords in residential leases and details the eviction process in Pennsylvania. It specifies the circumstances under which a landlord may evict a tenant: termination of term, breach of lease condition, or failure to pay rent. It also details the eviction procedure and provides tenants the right to appeal a judgment.

While the Landlord-Tenant Act is largely silent on landlords' responsibility to maintain their properties, Pennsylvania courts, like those in 49 of the 50 states, have found that an implied warranty of habitability exists in every residential lease.

This means that a tenant is not simply leasing land or shelter, but a package of services that includes adequate heat, light, and ventilation; serviceable plumbing facilities; secure windows and doors; proper sanitation; and proper maintenance.⁴⁰

The federal Fair Housing Act (FHA) and state Pennsylvania Human Relations Act (PHRA) prohibit certain forms of landlord discrimination and retaliation in residential leases. Both the FHA and PHRA prohibit landlords from refusing to rent to someone or discriminate in the terms or conditions of a lease based on that person's race, color, religion, sex, disability, familial status, or national origin. This includes discrimination in the pricing of rent, and the decision to evict a tenant. It also prohibits sexual harassment against tenants by property managers or landlords.

Under the Fair Credit Reporting Act (FCRA), landlords are required to follow certain rules and procedures when accessing a tenant or prospective tenant's credit information. Landlords may obtain a "consumer report," such as a credit report or a report from a tenant screening service for purposes such as tenants that apply for rental housing or want to renew their leases. If a landlord denies the application or requires a co-signer based on that consumer report, the landlord must provide the tenant with notice and contact information for the consumer reporting agency that created the report. FCRA also requires tenant screening agencies to accurately report tenant credit information. These agencies must follow reasonable procedures to ensure accuracy, get certification from clients stating that the report is being used for a permissible purpose, and provide a copy of their screening report to a tenant upon request.



LOCAL RULES RELATED TO EVICTION

In addition to the Commonwealth's landlord-tenant laws, the Philadelphia code contains a Fair Housing Ordinance. The ordinance protects tenants from unfair rental practices, including a landlord terminating a lease or changing the terms of the lease when a rental property has been cited for a violation.⁴¹

It is also illegal for a landlord to retaliate against a tenant for filing a complaint alleging violations, joining a tenant organization, or otherwise exercising a legal right. Retaliation includes, but is not limited to, raising a tenant's rent, shutting off utilities, or attempting to evict a tenant.

It is also illegal for landlords to discriminate against tenants or potential tenants because of their race, sex, sexual orientation, gender identity, religion, national origin, disability, marital status, age, source of income, family composition, or domestic or sexual violence victim status. Landlords cannot legally refuse to rent housing, set different terms in the lease, or otherwise discriminate on the basis of these factors. Individuals with a significant physical or mental impairment are entitled to reasonable accommodations, such as changing the date rent is due to coincide with a disability payment. Tenants with disabilities also have the right to make reasonable modifications, such as installing ramps and handrails, to their property at their own expense (or at the expense of the landlord if the housing is publicly subsidized).⁴²

Protections for victims of domestic or sexual violence prohibit landlords from evicting or modifying a lease in retaliation for an incident of or a tenant's status as a victim of domestic violence or sexual assault. Landlords are also required to, at the request of a tenant who is a victim of domestic violence or sexual assault, terminate a lease without penalty for early termination. If the abuser or perpetrator of the domestic violence or sexual assault is a co-tenant, the landlord may divide the lease in order to evict only the perpetrator, and not the victim.

The Fair Housing Commission (FHC) is an independent body within City government that is empowered to investigate or hold hearings on alleged unfair rental practices.⁴³ The FHC comprises five commissioners appointed by the mayor, and is staffed by the Human Relations Commission.

FHC cases are generated by a tenant complaint. To file an FHC complaint, a tenant brings information about their rental relationship and violations (such as lease, rent receipts, communication with the landlord) to the FHC, and fills out a complaint form. There is no fee to file an FHC complaint. Under the Fair Housing Ordinance, if a property has open code violations, a landlord cannot terminate the lease, except under very few circumstances that include nonpayment of rent. A tenant who is withholding rent due to poor conditions of the property must have rent in a withholding account to file a complaint with the FHC.

If a landlord has already filed an eviction action in Municipal Court, the FHC is not permitted to accept the case. If the tenant files first with the FHC, Municipal Court may grant a continuance, delaying the case for a sufficient period of time to allow the FHC to hear the case.

Once a complaint is accepted, the FHC provides a written notice to the tenant and landlord stating the date of the hearing and the basis of the complaint. At the hearing before the FHC's commissioners, both tenant and landlord provide testimony and documents to demonstrate or defend their case. Individuals do not need to be represented by counsel; however, corporate entities must be represented by counsel. In FHC hearings, both sides are permitted to put forth their story in a forum intended to be less adversarial than a standard courtroom.

Following the presentation of evidence, the commissioners decide whether there is a violation of the Fair Housing Ordinance and enter an order appropriate under the circumstances. Ordinance violations are subject to fines of \$300 per incident. The FHC can also declare that rent is not owed for the period of time in which the landlord is in violation of the ordinance. The FHC also often requires landlords to make repairs to close any open L&I violations. Any appeals from FHC decisions are taken to the Court of Common Pleas.

TENANT AND LANDLORD RESPONSIBILITIES

Tenant Obligations

Tenants are responsible for complying with the terms agreed upon in a lease agreement (either in writing, orally, or in practice). In general, lease agreements outline a schedule for regular, timely payment of rent, and detail responsibilities related to utility payments, property upkeep, and additional liabilities such as smoking or pets. Property upkeep typically involves ensuring the interior is sanitary, that trash is stored in appropriate containers, and that damage beyond normal wear and tear does not occur. Tenants are also expected to refrain from behavior that interferes with the use, comfort, health, safety, or quiet enjoyment of the property by other occupants.⁴⁴ Most leases require tenants to provide property owners with notice if they intend to renew (or not renew) the lease.

Landlord Obligations

Prior to renting a property, a landlord must meet certain requirements under the Philadelphia code. Specifically, a landlord must:

- 1) obtain a rental license,
- 2) obtain a certificate of rental suitability, which demonstrates there are no active violations of the Philadelphia code at the premises immediately prior to rental,
- 3) obtain lead safe certification if the property was constructed prior to 1978 and there are children age six or under present,⁴⁵ and
- 4) comply with the lead and smoking disclosure laws.

Habitability and repairs—As part of their responsibilities, landlords are required to make repairs to keep properties habitable in compliance with local property maintenance and fire codes. A detailed list of what is required to maintain habitability is available in Appendix III. If the landlord fails to do this, a tenant can legally withhold a portion of rent from the landlord after providing written notice of the repairs needed. If the property has been cited with violations by L&I, a tenant may withhold rent in a withholding account for up to six months. If the landlord fails to make repairs within six months, the tenant can reclaim the money in the withholding account and may begin the process again.⁴⁶ If the landlord will not make repairs after the tenant has made a request in writing, the tenant can make the repair, keep the receipts, and deduct the cost from the next rent payment.

The tenant can deduct only as much money as is owed under the terms of the lease.

One tool that tenants can use to address outstanding code violations and other habitability issues is to bring a suit against their landlords for breaching their lease agreement by failing to provide safe, code-compliant housing. The implied warranty of habitability in a lease can be used as the basis of an affirmative suit brought by a tenant against a landlord. Code violations can be used as evidence of a full or partial breach. If the amount at issue is less than \$12,000, a tenant can file a suit for breach of contract against their landlord in Municipal Court. Low-income tenants can file for free. Once the lawsuit is filed, the tenant will get a hearing date where they will present their case in front of a judge. If the amount at issue in the case is more than \$12,000, the tenant may file for an injunction in the Court of Common Pleas that will require the landlord to reach code compliance, though it is very difficult for an unrepresented tenant to do so.

Tenants are legally protected when the landlord does not fulfill their obligations under the lease agreement to pay the utilities. Prior to terminating utilities at a rental property, the utility company must provide the tenant with at least 30 days' notice and the opportunity to pay the outstanding utilities, keep the service on, and deduct the cost of that utility service from the rent.

LICENSING AND ENFORCEMENT PROCESS

The habitability requirements described above are enforced in part by the Philadelphia Department of Licenses and Inspections (L&I). There are an estimated 273,000 rental units in Philadelphia. Roughly 80% of these are properly licensed; 208,000 of these properties are licensed and about 13,000 are managed by the Philadelphia Housing Authority, which are not required to be licensed.

Licensing



A rental license must be renewed annually at the cost of \$55 per unit. Landlords cannot obtain a rental license if there are code violations at the property or they are not up to date on their business or property taxes for the property at issue. If a landlord is renting a unit without a license, L&I typically learns about it through complaints by tenants or neighbors.

Inspection



L&I inspects rental units after receiving complaints about the interior or exterior of a property. Complaints are received through 311, the City's customer service hotline. For most complaints, L&I sends an inspector to look at the property within 20 business days. More serious complaints are reviewed within 48 hours. If the tenant provided contact information with the complaint, inspectors attempt to schedule appointments with the tenant before visiting the property. If a tenant is not home or does not provide access to the inspector, the inspector leaves their contact information, and attempts to follow up by phone. If no access is provided after two visits, the complaint is closed. However, in the case of more serious violations, an inspector will make additional attempts to inspect the property.

Violation



If an inspector finds code violations, a notice of violation (NOV) is issued to the owner at addresses provided on the license and in City records. Basic fines are between \$150 and \$300 per violation, per day. Certain more serious violations carry more substantial penalties. For most violations, a reinspection is scheduled 35 days later. If violations remain upon reinspection, a final NOV is issued to the owner. After 35 days, there is a second reinspection. The average compliance rate after two inspections is 70%.

If the violation remains, the inspector typically forwards the case to the L&I Enforcement Unit, where the case is reviewed for court eligibility. Court eligibility is based on a number of factors. Sometimes, it can be difficult to find property owners in order to serve them the court filing, as some individuals and/or business entities shield information about their actual location. As part of the court eligibility review process, L&I has a dedicated team of researchers who attempt to find these property owners and determine whether they operate additional entities.

Enforcement



Once a case is found eligible for court, the City's Law Department brings it to court and manages the litigation. The court process can last several months, depending on the volume of cases and available court time. For violations where there is a low barrier for compliance (such as lack of rental license), the City files in Municipal Court. For violations that implicate serious life-safety hazards or rise to the level of a public nuisance, the City files in the Court of Common Pleas. The Court of Common Pleas can impose fines greater than \$12,000, and can issue an injunction directing the owner to fix the violations or permitting the City to vacate or demolish a building. Examples of serious violations can include inoperable fire alarm, plumbing, and heating systems; imminently dangerous and unsafe buildings; and illegal uses.

All fines and orders are made at the discretion of the presiding judge. The City has dramatically increased the number of cases being brought to court (from 5,730 in 2012 to 7,829 in 2017), but judges regularly reduce or eliminate fines the City requests be imposed against noncompliant property owners. This is often done with the explanation that the property owner's money is better spent investing in the property itself, or that the fines are not in line with the nature of the violation.

Cease operations



In some cases, when a code violation poses a significant and imminent threat to health and safety of the occupants and/or community, it may be necessary for L&I to issue a cease operations order. Because these orders result in a vacant property and homeless families, they are considered an absolute last resort in residential properties. They also involve extensive coordination with the Police Department and social service agencies to relocate the effected tenants.

Proactive inspection



Over the last year, L&I has been working to identify methods to strategically expand inspections and increase compliance with the Philadelphia code in the most efficient and effective manner. L&I is preparing to launch an inspection initiative focused on the city's most problematic landlords, those that own a significant number of properties that are either unlicensed or have known code violations. Many of these landlords own properties under multiple company names. L&I works to match these names so that all properties owned by an individual can be addressed at once.

For each problematic landlord, L&I will systematically reinspect properties that have open code violations. For those properties that do not have known code violations, L&I may conduct an exterior inspection or issue a violation for failure to have proper licensing in place. Based on the exterior inspection, L&I may pursue an interior inspection, working with the occupant of the property to obtain consent to enter. They may also pursue a search warrant to enter the property if there is enough evidence to establish probable cause of an interior violation. As with the complaint-driven inspection process, if conditions pose an imminent risk to health or safety, L&I will issue a cease operations order that will result in vacating the building.

After the period to appeal the violations has expired, all cases against a problematic landlord will be bundled, demonstrating that the landlord repeatedly maintained multiple properties in violation of the Philadelphia code. The City's Law Department will then pursue prosecution through the Court of Common Pleas. The intent of this approach is to improve the habitability of a large number of properties through a single inspection process and prosecution, encourage landlords to maintain all proper licensing, and deter future violations.

existing supportive services

A wide range of resources are available to tenants facing eviction. However, disparate eligibility requirements, gaps in geographic coverage, lack of knowledge about available resources, and significant supply limitations result in a complex system of support services that may be difficult for landlords and tenants to access.

The following is a brief overview of the existing supportive services in Philadelphia, organized by phases of the eviction process. A more detailed chart of services is provided in Appendix IV.

PRE-EVICTION PHASE: PREVENTION AND DEESCALATION

Eviction prevention services attempt to intervene before a housing dispute occurs, or before it is necessary to file for eviction in Municipal Court. Intervention that is early in the process of a conflict and prior to the involvement of the courts can mitigate the stress and financial hardship incurred by both tenants and landlords, provide an opportunity for tenants to avoid having a public eviction filing, and reduce the load on the legal system. Typically, these services fall into the categories of housing counseling, education, and emergency rental assistance.

Housing counseling

A network of 28 housing counseling agencies funded by the Division of Housing and Community Development provides individual guidance and service around housing concerns. Typically, these services include an intake process with benefits screening, a family financial analysis, goal setting, basic tenants' rights education, and referrals. However, most housing counseling services focus on homeowners, not renters. Only one of the 28 counseling agencies provides services geared specifically to tenants.

Education

Tenant-specific education, both financial and legal, is provided by relatively few agencies. Workshops on tenants' rights and responsibilities are conducted daily, serving approximately 2,500 people in 2016. One program offers trainings to high school students and young adults on lease requirements, housing search, unit inspection, and household budgeting.

However, as most tenants seek assistance after conflict has arisen, most tenant education programs in Philadelphia are aimed at those facing an imminent housing crisis. Additionally, a Tenant Referral Hotline, which is coordinated by legal services and tenant advocate organizations, connects tenants to live advice, information, and legal services resources.

Except for limited training offered to private landlords working in partnership with the Philadelphia Housing Authority on the Housing Choice Voucher Program, no comparable education programs available to landlords were documented in this inventory. Workshops for landlords tend to be episodic and are hosted by an array of professional associations and private legal firms, making the resources difficult to navigate.

Emergency financial assistance

Direct financial assistance is sometimes available to help tenants who are behind on rent, and is usually targeted to those who are in imminent danger of homelessness. In 2016, the City offered assistance to almost 300 tenants for the payment of housing-related arrears. The average arrears filed against a tenant were \$1,891 in 2016, while the average grant from the Office of Homeless Services' Homeless Prevention Program was approximately \$650 for the same year.⁴⁷ This gap is further evident in focus group comments that the demand for rental assistance is not met by current funding.

Additionally, rental assistance can require personal identification, documentation of eviction proceedings, income eligibility, or consent from the landlord for an inspection of the property, which may pose access barriers to tenants.

Utility assistance programs subsidize or standardize monthly utility payments for residents who demonstrate income-based need. Programs like LIHEAP (provided by the Pennsylvania Department of Human Services), Customer Assistance Program (provided by PECO),

Customer Responsibility Program (provided by the Philadelphia Gas Works), and Tiered Assistance Program (provided by the Philadelphia Water Department)⁴⁸ all function in this way. These programs can be accessed through separate applications to each individual program sponsor, or through organizations that offer assistance with the application process. These programs can be difficult to access without authorization from the landlord.

POST-EVICTION FILING PHASE: REPRESENTATION AND ADVICE

Once an eviction complaint has been filed against a tenant, assistance can take the form of legal representation or financial assistance in repaying arrears.

Legal representation—Six public interest law centers provided either legal advice (a phone call or a visit to the Help Desk) or full representation to over 4,000 tenants in 2016. Over 2,100 tenants were represented by lawyers in Landlord-Tenant Court. As shown by the representation disparity between landlords and tenants, the need for legal representation of tenants remains unmet.

Philadelphia Eviction Prevention Project—

Through a new \$500,000 investment in 2018 supported by City Council, the City and several partners launched a new initiative, the Philadelphia Eviction Prevention Project, to expand access to legal services and information. Services include information and access to legal services inside Landlord-Tenant Court, direct legal representation for tenants, and access to financial counseling. It also includes support for the Tenant Help Desk, which is located at Municipal Court, and provides legal advice and representation to tenants.

This project will also test solutions to systemic challenges, by streamlining intake and referral to different legal services and further engaging housing counselors in supporting tenants. The services are expected to serve over 1,800 people (through legal representation, brief advice, or a phone call) between January and July 2018. More information about this project is available in Appendix V.

POST-EVICTION FILING PHASE: RESPONSE AND TRANSITION

After a tenant has been evicted from their home, there are few support resources available. The City has a system of emergency housing available to tenants who face homelessness.

Emergency housing—The City's emergency shelter system provides housing to individuals year-round in Philadelphia. In addition, the City's Rapid Rehousing Program, which provides security deposit and rent subsidies, served approximately 759 individuals in fiscal year 2016.⁴⁹

The City's Office of Homeless Services is currently expanding its Coordinated Entry System to more effectively assist those experiencing imminent or ongoing homelessness.

MODEL RESOURCES AND SUPPORT SERVICES

Philadelphia can learn from eviction prevention strategies in peer cities, the most successful of which consider eviction and its consequences comprehensively. Many of the most impactful programs share a few common elements, including:

- » Integrating financial, legal, and housing counseling services
- » Addressing the roots of housing instability, not just the symptoms
- » Focusing on long-term stability

New York City HomeBase

Part of New York City's homelessness prevention effort, HomeBase offers financial assistance, budgeting assistance, housing court assistance, and case management. The combination and level of services received depends on the particular needs of each client. HomeBase provides targeted services, and focuses specifically on intervention for tenants who are at imminent risk of homelessness. Using an evidence-based risk assessment point system, HomeBase assesses and weighs correlates of homelessness, such as having a head of household under 22 years old, four or more moves in the past year, severe household discord, or childhood risk factors.

In fiscal year 2016, HomeBase assisted 3,397 families and 968 single adults. 98.5% of those who received HomeBase intervention services did not enter the shelter system. It is true that not every family unit assisted would have become homeless without intervention, and not every family unit that became temporarily homeless would have remained homeless. However, if 20% of the assisted families would have become homeless, the intervention program saved the City \$21 million in shelter costs through an investment of \$8 million. If only 10% of the assisted families would have become homeless, the intervention program saved the City \$5.3 million.⁵⁰

Boston Court Intervention Project

While it does not use the targeted risk assessment tools employed by HomeBase, Boston's Court Intervention Project (CIP) similarly integrates financial, legal, and counseling services. In 2010, the organization HomeStart implemented CIP to prevent eviction in Boston Housing Authority (BHA) housing. CIP focused specifically on the BHA because it had the greatest number of evictions from a single property owner in Boston. CIP also targets individuals on the brink of eviction with a high probability of homelessness. The process begins with an intake appointment that provides financial literacy counseling, followed by a court appearance where a CIP advocate makes a commitment for financial assistance and stabilization. After financial assistance is provided or a repayment plan is agreed upon, CIP continues to provide services to help the resident reach stability. In its first three years of operation, the interventions conducted by the program prevented 383 evictions, constituting a 30% year over year reduction of executed evictions. 96% of those tenants remained in housing a year later.

Philadelphia Mortgage Foreclosure Diversion Program

Philadelphia's Residential Mortgage Foreclosure Diversion Program provides a local example of an intervention that works through ongoing negotiation. In this program, when a foreclosure complaint is filed by the lender, the case is diverted from normal court proceedings. The homeowner is instead given a chance to meet with a housing counselor or legal counsel to explore a loan modification or other alternative to foreclosure. The homeowner and mortgage lender are then required to attend one or more mediation sessions known as conciliation conferences, in which advocates for both the homeowner and the lender come together to attempt to resolve the issue. The program's success is partly due to the presence of well-informed advisers for homeowners who do not have legal representation. Between 2008 and 2014, the program processed 64% of all residential foreclosure filings. Of those eligible and processed, 32% achieved an agreement. The sustainability of the agreements reached is clear in that 21 months after the agreement, 85% of homeowners who reached an agreement with their lender remained in their homes, as compared to only 50% of homeowners who failed to appear at the Diversion Court.⁵¹ This program provides important lessons that may be integrated into Philadelphia's eviction prevention work.

Just Cause Eviction Law


A just cause eviction law (also known as "good cause") is a set of legal protections for tenants that specify all allowable reasons for eviction. While allowable reasons vary depending on the law of a particular locality, acceptable reasons typically include failure to pay rent, violation of the lease, inability to pay a rent increase, and a landlord's desire to end their rental business. These rules aim to make it easier to enforce prohibitions on discriminatory or retaliatory evictions. Just cause eviction laws have existed in a variety of places for close to 40 years, including Washington, DC, New York City, Los Angeles, San Francisco, San Diego, San Jose, Oakland, and Boston as well as statewide in New Jersey and New Hampshire. These protections are also in place nationwide for tenants of public and subsidized housing as well as Low Income Housing Tax Credit developments, including in Philadelphia.


Research suggests that the implementation of just cause eviction may improve the health of tenants where it is implemented.⁵² It has not been shown to result in a reduction of rental stock, decrease new construction, or decrease property values, when compared with nearby cities that do not have just cause protections.⁵³ These comparisons looked at locations that implemented rent stabilization measures at or around the same time that they implemented just cause eviction protections.





challenges identified

As described in the prior sections, based on the feedback gathered through focus groups, Task Force meetings, public comment sessions, and an analysis of the scale and legal process of eviction, the Task Force has identified four high-level challenges to address:

- 

1. Landlords and tenants are often not aware of their rights, responsibilities, and available resources, prompting the need for better **outreach and education**.
- 

2. Resources and supports to prevent and mitigate the effects of eviction are fragmented and do not meet the demand for services, prompting the need for expanded and better coordinated **support systems**.
- 

3. Landlords may not be compliant with housing standards related to leases, property conditions, or licensing, prompting the need for increased enforcement of current **housing standards**.
- 

4. The legal process of eviction is complex, burdensome, and does not necessarily lead to good outcomes, prompting the need for changes to **legal processes and policies**.



PHASE	CHALLENGE	SOLUTION	
PREVENTION	<p><i>Landlord/tenant unaware of available resources</i></p> <p><i>Tenant may miss one or multiple rent payments</i></p> <p><i>Tenants are unaware of reason they need to vacate</i></p>	<p>Single portal access to prevention services</p> <p>Explore expansion of rental assistance and subsidy</p> <p>Targeted homelessness prevention</p>	<p>Database to look up landlords</p> <p>Good cause eviction legislation</p> <p>Public education campaign</p> <p>Identify unlicensed rental properties</p>
	<p><i>Landlord may not make needed repairs</i></p> <p><i>Landlord may be unlicensed</i></p> <p><i>Landlord may conduct an illegal eviction</i></p> <p><i>Lease is void due to sheriff's sale</i></p>	<p>Increased support for tenants who are evicted due to a sheriff's sale</p> <p>Landlord loan repair program</p>	<p>Strengthened enforcement of proper code violations</p> <p>Expanded enforcement against problematic landlords</p>
	<p><i>Many leases waive the tenant's right to receive notice.</i></p>	Pre-complaint resolution meeting	
INTERVENTION	<p><i>Tenant may not see or understand complaint</i></p> <p><i>Tenant and landlord may not know process, rights, responsibilities, or resources</i></p>	<p>Direct outreach to tenants with an eviction filing</p> <p>Required pre-hearing resolution process</p>	Enforcement related to key rental documents
	<p><i>Record of complaint is public</i></p>	Sealing of eviction records	
	<p><i>May be intimidating or confusing for tenants</i></p> <p><i>Many tenants are underrepresented</i></p>	<p>Increased accessibility of Landlord-Tenant Court</p>	Increased legal representation for tenants
	Request for possession		
	Removal from property		

recommendations



OUTREACH AND EDUCATION

Despite the magnitude of the eviction crisis in Philadelphia, public awareness is low among both landlords and tenants about what to do to prevent an eviction or how to resolve issues after an eviction is initiated. This strategy area focuses on developing tactics to streamline the system of eviction prevention supports, link tenants and landlords to resources, and ensure that individuals who are facing eviction receive targeted outreach for notice and services.

1.

Create a single portal for access to eviction prevention services.

The City should expand the existing Tenant Referral Helpline, Tenant Help Center, and housing counseling network to create a centralized portal for comprehensive information about eviction resources and housing supports. These expanded resources would reduce confusion on how to find help, and connect people to education, information, and services that address issues before they become crises. Housing counselors and helpline operators, either directly or through referrals to partner agencies and services, should be able to provide the following:

- » Answer questions about topics such as tenants' and landlords' rights and responsibilities, how to make repairs, how to deal with illegal eviction, and other common issues.
- » Provide updated information about available housing subsidies and short-term rental assistance, assess eligibility, and provide support through the application process.
- » Instruct tenants on their options when a landlord fails to make repairs, including how and when to legally withhold rent, how and when to ask the Court for a rent abatement, and how to get legal assistance to file for an injunction to require a landlord to make repairs.
- » Provide brief financial counseling to help tenants think about their housing budget and potential repayment options.
- » Provide guidance on how to prepare for the court and/or mediation process in order to negotiate a positive outcome (such as what documentation to bring, what rights each party has, what payment amount would be reasonable, and so on).
- » Schedule appointments to meet with a housing counselor, financial counselor, or attorney. Schedule a time to attend a tenant or landlord resources class.

The helpline and housing counseling services should be accessible to at-risk populations, including the hearing impaired, seniors, veterans, people with disabilities, and immigrant households. This means, at a minimum, having interpretation services for English language learners, and providing services outside of normal business hours. The City could partner with community advocates to develop the curriculum and deliver the training needed to prepare helpline operators and housing counselors for this expanded role.

2.

Conduct a public education campaign about eviction and safe, habitable housing.

The City should launch a citywide public education campaign to increase knowledge of rights and responsibilities, and encourage the use of the Tenant Referral Helpline and housing counseling services. This campaign should portray eviction as a common problem, with a goal of encouraging both landlords and tenants to seek help.

As part of this campaign, the City should:

- » Redevelop the City’s Partners for Good Housing handbook to make it more user friendly and easier to understand, with the goal of educating and empowering tenants and landlords.
- » Provide information in multiple forms including print, online, video, workshops, and in-service trainings for organizations that work with landlords and tenants to share with their clients.
- » Work with partner organizations to regularly provide landlord trainings to educate landlords about rights and responsibilities, and resources for both landlords and tenants.
- » Provide and promote new tools to landlords and tenants, such as a model lease that includes an optional second point of contact to be informed in the case of eviction proceedings.
- » Advertise and raise awareness about simple but impactful acts, such as the importance of showing up for a court hearing.
- » Conduct outreach to civic groups and community organizations, with a focus on low-income neighborhoods with high-rental populations.
- » Revise the “Tenant’s Referral Notice,” a palm card given by police officers to tenants on the scene of illegal evictions, to ensure information is complete and current.

Resources should be accurate, up to date, translated into multiple languages, and accessible to people who have disabilities, read at lower levels, or have limited English proficiency. To disseminate this information, the City should use paid and earned media, and partner with existing networks and organizations across Philadelphia.





3.

Expand direct outreach to tenants with an eviction filing and ensure tenants receive notice.

The City should expand efforts to connect with tenants who have an eviction complaint filed against them. Over the past five years, approximately one third of landlord-tenant cases resulted in a default judgment. Of those default judgments, half lead to evictions. The City should conduct a pilot of increased, direct outreach focused on tenants who have an eviction filing against them and are living in areas with high rates of evictions. The intent of this outreach would be to make sure tenants are aware of the eviction filing and their court date, and to direct them to the Tenant Referral Helpline and other resources. This pilot should include additional outreach such as telephone calls, door knocking, and additional mailings. If the pilot demonstrates these efforts can meaningfully reduce the number of people who are forced to move, the initiative could be expanded citywide.

The City and the Municipal Court should also work together to improve efforts to connect with tenants with an eviction filing by updating the notice rules, including:

- » Require an attempt at personal service before the writ server can post notice on the property. Currently, the Court requires that notice be mailed and either posted or handed to the individual.
- » Docket the mailings it sends out to tenants in order to more easily track their receipt.
- » Require that the writ of possession be delivered by personal service, and if personal service is not available, by posting to the leased premises.
- » Schedule all eviction hearings for a date more than 14 days after the service of the initial complaint. Currently, the hearing date is given when the landlord files, not after the notice is served.

The City and the Municipal Court should also work together to ensure the personal service process is monitored and evaluated for improvements.



RESOURCES AND SUPPORTS

In addition to a lack of awareness of existing resources, there are gaps in the resources needed to address evictions. These recommendations seek to expand the existing resources as well as provide new tools to address gaps, such as improving the habitability of rental units, providing a forum for landlords and tenants to resolve issues, and providing critical information on the quality of rental properties.

4.

Explore the expansion of rental assistance and housing subsidies.

The City should explore expanding the availability of short and long-term rental assistance and other affordable housing subsidies. Lack of access to affordable housing is a significant driver of nonpayment of rent. Identifying strategies to expand affordable housing will have a direct impact on the eviction rate. This conversation should determine what kinds of subsidies are needed, who should be targeted/prioritized for resources, and what the sources of funding could be. It should also include research on different models to stretch subsidy dollars, such as shallow subsidy or funding for security deposits and first/last month's rent. The Division of Housing and Community Development's forthcoming Housing Action Plan could be the vehicle to lead this conversation and produce new strategies to advance solutions to this critical issue.

5.

Replicate HomeBase, New York's targeted homelessness prevention program.

The City should develop an emergency homelessness prevention program modeled after the New York City HomeBase initiative. This program would provide wraparound, personalized services to tenants at the highest risk of homelessness. This new program should:

- » Pilot the HomeBase approach in a limited geographic area.
- » Use the HomeBase data-informed assessment tool to identify individuals at significant risk of homelessness, and to identify the appropriate level of subsidy and other supports required to prevent shelter entry, thereby scaling funding to match the needs of the family.
- » Scale funding to match the needs of the family.
- » Expand funding for short or long-term housing subsidy, and combine this subsidy with services such as financial counseling and case management.
- » Evaluate the impact of the program to determine whether it should be expanded.

This is one of the key models to be tested in efforts to expand subsidies, as it has the potential to reduce shelter use and provide cost savings.

6.

Enable small landlords to make repairs to existing rental housing.

The City should launch a program to enable small landlords (those who own four or fewer rental units) to obtain low-interest loans to make necessary repairs to their properties. Traditional lenders are reluctant to allow small landlords to borrow small amounts of money (less than \$25,000). Approximately 40% of rental units are owned by landlords with four or fewer total units. This means that many landlords may be without the resources needed to maintain their properties. Establishing a loan fund would enable small landlords to bring their properties up to the standards of the Philadelphia code, protect the property from future deterioration, and keep the unit on the rental market. Without ongoing property maintenance issues in the unit, the chances of nonpayment of rent and eviction lessen. Several conditions on the loan, including annual inspections, landlord-tenant trainings, and restrictions on rent increases, would ensure that the program preserves safe and affordable housing.

7.

Develop a database to look up landlords.

The City should work with a nonprofit partner to use Municipal Court, L&I, and the Fair Housing Commission data to develop a database of publicly available information about landlords and rental properties. Much of this data about landlords and rental properties is publicly available today, but it is not integrated into one easily usable source. The database would compile information on code violations, eviction filings, and fair housing complaints. If lead safety requirements are expanded citywide, information on lead safe certificates could also be included. The database could be used to identify high-quality landlords, as well as landlords with multiple L&I violations or complaints of retaliatory tactics.

This tool could be marketed to housing subsidy programs to identify properties that would be a good fit for clients that they work with, particularly to help hard-to-serve individuals (such as people with disabilities) with housing.

This database should also include a one-step, easily printable form for tenants to obtain—in a manner presentable for Municipal Court—status reports on all relevant city information at the property, including the rental license and periods for which it was valid, the certificate of rental suitability, the L&I violation history (including when violations were entered and when they were cleared) and the lead safe certificate (when available).

In time, this database should be expanded to include information about illegal evictions. In order for this information to be available, the City must explore creative strategies for tracking data on illegal evictions in partnership with City departments and nonprofits. Police are called in only a fraction of illegal eviction cases. The City should explore alternate data sources such as 311, the Fair Housing Commission, and legal service organizations to supplement Philadelphia Police Department data and produce an aggregated estimate of illegal evictions. Additionally, the City should work with the Police Department to explore strategies to consistently document suspected cases of illegal eviction across districts.

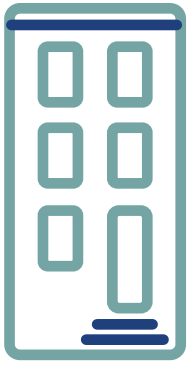
8.

Increase support for tenants who are evicted due to a sheriff's sale.

The City and the Sheriff's Office should ensure that tenants forced to move as a result of sheriff's sales have adequate funding for moving, and sufficient notice in order to find alternative housing, as well as implement strategies to reduce the number of sheriff's sales resulting from tax liens. When a property is sold at sheriff's sale as a result of a tax lien the new owner is not required to honor existing leases. As a result, longtime tenants may be ejected by a court order, or sometimes illegally evicted, even if they have never missed a rent payment. To prevent evictions due to foreclosure and buffer its effects, the City and the Sheriff's Office should:

- » Include information about resources for renters on their posted sheriff's sale notification.
- » Establish whether a property slated to be sold is a rental property, and share this information with a nonprofit partner. The nonprofit should then ensure that tenants are aware the property is going to sheriff's sale, and aware of available rights and resources.
- » Explore using information gathered through efforts to identify unlicensed rental properties to divert more tax delinquent rental properties from sheriff's sale in favor of the use of sequestration.
- » Work with nonprofit partners to expand access to legal representation so that tenants in tax-foreclosed properties may exercise their right to stay in the property for 90 days, and tenants in mortgage-foreclosed properties may exercise their rights under the Protecting Tenants after Foreclosure Act.
- » Explore how proceeds from a tax foreclosure sale could be used to provide funds for a tenant's moving expenses and security deposits.





HOUSING STANDARDS AND ENFORCEMENT

At any given time, some of the city’s 273,000 rental units are in violation of Philadelphia code. Often, these code violations prompt tenants to withhold rent, resulting in a dispute that sours the relationship between the landlord and tenant, and can end in an eviction. These recommendations are intended to ensure that rental properties remain in compliance with Philadelphia code, and to create appropriate consequences for repeated noncompliant landlords.

9.

Expand the use of data analysis to identify properties being rented without licenses.

The City should expand its use of cross-agency data to identify properties being rented without a rental license to decrease the number of landlords out of compliance with City requirements. While the lack of a rental license is not an indicator that a property has property maintenance or habitability issues, it is a code violation in and of itself. Rental licenses, or the lack thereof, are also a critical piece of the landlord-tenant relationship. The City should continue to develop predictive models to locate suspected unlicensed rental units—focusing on multifamily and higher-risk occupancies—and to identify chronically noncompliant landlords. This includes:

- » Using available utility data to identify properties where billing data indicates that the property owner does not live at the property. This may be an indicator that the property is being rented.
- » Using available property ownership data to identify individuals who own properties in multiple names and multiple corporate entities, then using property violation history to determine whether these owners are chronically noncompliant.
- » Explore using Office of Property Assessment and Revenue Department data, including Homestead Exemption and property tax payment information, to identify additional rental properties.

If additional noncompliant landlords are identified through this process, the City should use this information to conduct outreach to the landlords, issue violation notices, and pursue court intervention if needed. This analysis model should be continuously updated, and become a permanent part of L&I’s approach to enforcement.



10.

Explore changes to the Philadelphia code to strengthen enforcement of code violations and enforcement against illegal evictions.

The City should explore code changes to make enforcement against problematic landlords more efficient and effective, based on a study of best practices nationwide. These changes may include but are not limited to:

- » Creating an enforceable penalty for misrepresentations on license and permit applications. The City relies on accurate address information to contact, cite, serve, and prosecute landlords who violate the code.
- » Determining what is the most appropriate fine structure for code violations that will create sufficient and actual deterrence. This may include developing a system of escalating penalties for landlords who repeatedly and flagrantly violate the Philadelphia code.
- » Exploring ways to strengthen enforcement of current laws prohibiting illegal evictions, including the issuance of citations and submission of incident reports.

11.

Expand pilot program for inspection of and enforcement against the most problematic landlords.

In 2018, L&I and the Law Department will launch a pilot proactive inspection and enforcement program. Once it has been evaluated and shown success, the City should explore expanding it. The proactive inspection program targets landlords with multiple rental properties that have multiple violations, with the goal of having more landlords bring their rental units up to code. Under the program, L&I will proactively inspect all properties owned by chronically noncompliant owners, those who own dozens or hundreds of properties with outstanding code violations or without proper licenses. The owner will then be referred to the Law Department for coordinated enforcement action for all violations on all properties at once. It is anticipated that this prosecution model will result in negative publicity and harsher penalties for the chronically noncompliant landlord, as well as serve as a deterrent for other landlords.

Under the initial pilot program, the goal is to bring cases against ten owners representing approximately 2,000 properties into court by 2020. If the pilot proves successful in obtaining compliance from the most problematic landlords and deterring other landlords, then expanding the number of cases that can be brought each year should improve the habitability of rental units and decrease the number of properties operating without rental licenses.



LEGAL PROCESS AND POLICIES

The legal process is often daunting for tenants, and legal protections are at times inadequate to protect tenants from forced moves even when they play by all the rules. These recommendations are intended to ensure that landlords and tenants engage in a solution-oriented process on a level playing field.

12.

Pass law to limit evictions of tenants to good causes.

The majority of the Task Force supports City Council's efforts to pass a good cause eviction law. Many of the rights of tenants that have been recognized by the courts require that the tenant prove, directly or indirectly, that a landlord had an inappropriate motive, such as discrimination and retaliation, for evicting the tenant. Proving the landlord's motive is extremely difficult. The result is that these tenant protections are rarely enforced, particularly for oral month-to-month leases, which are very common among low-income tenants. A good cause eviction law would address this problem by requiring a landlord to disclose the reason for a lease termination, even if the lease term had ended. The law would prohibit evictions for reasons other than the following:

- » Failure to pay rent or late payments more than a set number of times per year
- » Failure to correct a violation of the lease or laws concerning public nuisance or sanitation
- » Excessive damage to the rental property by the tenant
- » The landlord or member of their immediate family is going to move in
- » Tenant refuses the landlord access to the unit for lawful proposes
- » Tenant refuses to extend soon-to-expire lease with materially same terms
- » Tenant refuses to agree to a proposed rent increase (with conditions)
- » Owner is doing renovations and will be unable to rent during renovations

Members of the Task Force who do not support the legislation expressed concern that this legislation would dramatically limit ownership rights, have a chilling effect on owners' interest in renting their property, encourage more screening of tenants, and reduce the availability of affordable housing in Philadelphia. Termination of the lease is seen by some landlords as a necessary tool when a property is in need of extensive repairs. Some property owners expressed a preference for extending notice of the termination of a lease, rather than needed to identify a cause. There was also interest in expanding the list of exceptions to include selling (or planning to sell) the rental unit.

13.

Set up alternate opportunities for resolution within the eviction process, both before and after an eviction filing.

The City and Municipal Court should work to implement two new opportunities for resolution between tenants and landlords, one for before an eviction complaint is filed, and one for after. Facilitated discussions between landlords and tenants can reduce evictions and lead to solutions that are beneficial for both parties, particularly when combined with wraparound supports such as housing and financial counseling.

Using the Philadelphia Commission on Human Relations or another mediation organization, the City should develop a venue for landlords and tenants to meet before an eviction complaint is even filed. This process would be an opportunity to negotiate repayment of rent without generating legal costs for either party, and without introducing an eviction filing to the tenant's record. These resolution meetings should include housing and financial counseling for tenants. The initiative should also pilot telephonic resolution support for those who cannot be present in person.

For cases in which landlords have already filed an eviction complaint, the City should work with the Municipal Court to pilot a mandatory, pre-hearing resolution process that takes place before the date of the court hearing. This pilot could also provide tenants with the opportunity to learn about available resources and requirements, and meet with housing and financial counselors, all before the hearing. The intent of this process would be to give landlords and tenants who are headed toward court an opportunity to consider options and resources before making commitments that are cemented in legal judgments, with the goal of reducing the number of JBAs that are breached. The court expressed concern that individuals would prefer not to have to attend court twice. This pilot would therefore be evaluated carefully for impact, testing multiple possible approaches.



14.

Increase enforcement of requirements related to key rental documents.

The City should work with its partners to ensure that current laws around licensing and housing quality are being enforced. A landlord is required to deliver the following documents to the tenant: the certificate of rental suitability, the lead safe certificate (when applicable), and Partners for Good Housing handbook. If the landlord fails to do so, the landlord does not have the right to collect rent for that period in which the documents were not provided. If a landlord files for eviction, the absence of any of these documents is flagged by the Municipal Court. However, the tenant is not always aware of what this flag means for their case. Strategies to increase enforcement include:

- » The City and its partners should explore with State Supreme Court (which sets rules for court processes) creating a rule that would enable the Municipal Court to reject any eviction filings if the landlord does not, at the time of filing, have a rental license, certificate of rental suitability, lead safe certificate (if required), and proof of providing the Partners for Good Housing handbook (such as an email receipt).
- » The City and the Municipal Court should collaborate on updating the forms used in relation to this issue, such as the notice of noncompliance, to improve their accessibility to unrepresented landlords and tenants.
- » Judges, Municipal Court staff, and mediators should continue to be trained to review licenses, certificates of rental suitability and proofs of service, and lead safe certification issues, and to point out any claims for rent payment during periods when the landlord was not in compliance.
- » Court navigators or volunteer attorneys at Landlord-Tenant Court should review JBAs with tenants to ensure tenants understand for what period they have agreed to pay rent. Court navigators should ensure that tenants are aware of any required documents the landlord was missing, and that they understand that the absence of these documents means they are not legally required to pay rent for the period of noncompliance.
- » The City should require that landlords document delivery to the tenant of the certificate of rental suitability, the Partners for Good Housing handbook, and the lead safe certificate (such as through an attestation or a signature from tenants). The landlord and tenant could sign a tear-out page from Partners for Good Housing, or confirm delivery through email if the handbook was received electronically. Records of the issuance and service confirmation for all documents could then be provided by the landlord in court if an eviction complaint is filed.



15.

Increase legal representation for low-income tenants.

The City should increase legal representation for tenants by expanding resources for legal aid organizations' attorneys, and by working with nonprofit partners to expand efforts to recruit volunteer lawyers. Often tenants are not aware of their rights, and do not exercise those rights in court. As a result, they are forced to move or pay back rent improperly. If found effective, the current Philadelphia Eviction Prevention Project pilot (see Appendix V) to provide legal resources in the courtroom should be made permanent and expanded.

16.

Seal eviction records.

The City and its partners should advocate for state legislation to enable the sealing of eviction filings and judgments, and work with the Municipal Court to explore ways to reduce disclosures of tenant information. Several data aggregating companies provide information to landlords about tenants' history in eviction court. Many tenants have reported being denied housing on the basis of a prior eviction filing, whether or not that filing had any merit, effectively creating a tenant blacklist. However, overly stringent sealing rules could result in landlords being drastically more cautious in the selection of tenants. New legislation could permit all eviction filings to be sealed, and be unsealed only if the eviction case results in a judgment against the tenant and an eviction order is entered. Legislation could also prevent tenants from being unfairly blamed by immediately sealing eviction records in cases where the property is being foreclosed on, a condominium is being dispossessed, or the lease is not being renewed. The policy should also allow all eviction judgments to be sealed after five years.

In the meantime, the following strategies can be employed to reduce the tenant blacklist:

- » Tenant attorneys should be encouraged to include in all agreements that the judgment will be vacated and then expunged when the terms are satisfied.
- » The Municipal Court should explore redacting the tenant's address (except for zip code) on the docket website and in any bulk data it provides to third parties, so that only the parties to a case and their attorneys can see the address.
- » The Municipal Court should explore how it can exercise any contractual rights it has under any data access contracts with third parties to demand that the third parties give back and/or delete any data they possess that does not comply with the new public access policy.

17.

Increase accessibility of Landlord-Tenant Court and the mediation process.

The City should work with the Municipal Court to ensure that Landlord-Tenant Court is accessible to individuals who are unfamiliar with the court process, particularly for vulnerable populations. Many tenants report being intimidated and confused by the court process. Some improvements would include:

- » Collaboration with knowledgeable and experienced mediation agencies to support training and processes for court mediators.
- » A pilot to increase the presence of trained, court-employed mediators by having them present in all negotiations in which either party is unrepresented. Currently a court mediator is only present when both parties are unrepresented. If the pilot is shown to reduce breaches, it could be expanded further.
- » Increase ease of obtaining translators and interpreters, especially for American Sign Language. Ensure that court interpreters are available even when a family member is acting as an interpreter, as the family member may not be able to interpret the necessary legal language.
- » Train municipal court staff to address the needs of special populations, particularly tenants and landlords with disabilities, LGBTQ (specifically, transgender and gender nonconforming) tenants, tenants of different religions, elderly tenants, immigrants, and tenants and landlords with limited English proficiency.
- » Include a greeter or information kiosk to provide assistance and minimize confusion. This could be done by expanding the current pilot of the Court Navigator program, and by training additional navigators, such as volunteers or law students, to be available at all court listings.
- » Develop videos to air in Landlord-Tenant Court, mediation rooms, and waiting areas to explain the court process.



MOVING FORWARD: implementation, monitoring, and evaluation

The participating City government agencies are committed to implementing these recommendations to the extent that resources and legal authority allow. The members of the Task Force strongly encourage all organizations and individuals referenced in these recommendations to commit to do the same.

Implementation of these recommendations will require many steps completed through the collective work of the City government, City Council and other elected officials, courts, attorneys, nonprofits, landlords, and tenants. These steps are more likely to occur if progress is reported publicly, and they are more likely to be successful if key stakeholders inside and outside the government continue to inform and drive them. The Task Force therefore recommends that government and nongovernmental bodies charged with implementing specific recommendations regularly report on their progress to an appropriate oversight group.

The Office of Community Empowerment and Opportunity has managed a Housing Security Work Group with membership from key nonprofit partners since 2015. The Work Group played a critical role in developing and disseminating research that helped lead to the creation of this Task Force.

This report makes recommendations that together have the potential to dramatically reduce the number of tenants forced to leave their homes. However, to realize their full impact, a large number of organizations and systems must work together to implement change.

Therefore, the Task Force recommends that this group, with adjusted membership, serve as the clearinghouse and leadership for implementation.

As part of monitoring progress of implementation, the Housing Security Work Group should publish an annual report on the status of recommendations and key future activities. In addition, the group should lead research efforts around key eviction and housing trends in order to use data to advance the recommendations and understand their impact.

The Housing Security Work Group should:

- » Identify ways the group can support and inform the implementation of the recommendations.
- » Develop an eviction data report to establish baselines and monitor the crisis.
- » Use data matched across departments and nonprofit agencies to reveal barriers and to identify opportunities to leverage existing resources, provide information to tenants and landlords, and connect individuals to critical services.

The Task Force recommends the use of the following core metrics to monitor progress:

Eviction filing⁵⁴ rate (# eviction filings in municipal court/total # renter occupied units)

Eviction execution rate (# requests for possession/total # renter occupied units)

Total number of judgments

Number of judgments by agreement entered into

Number of alias writs of possession filed

Number of *alias writs of possession* served

Number of complaints filed with the Fair Housing Commission

Results, by type, of complaints filed with the Fair Housing Commission

Number of calls received by the Tenant Referral Helpline

Solving the eviction crisis in Philadelphia through these recommendations will keep Philadelphians safe, supported, and able to fully participate in the city's growth. We are grateful to everyone who participated in the development of this report, and look forward to working together to implement these reforms.

appendices

APPENDIX I: Task Force Members

TASK FORCE CO-CHAIRS

Liz Hersh, Office of Homeless Services, Director

Mitch Little, Office of Community Empowerment and Opportunity, Executive Director

MEMBERS

1. Centennial Parkside Community Development Corporation, Joyce Smith
2. Community Legal Services, Deborah Freedman
3. Department of Licenses and Inspections, Dave Perri
4. Department of Planning and Development, Anne Fadullon
5. Federal Reserve Bank of Philadelphia, Theresa Singleton
6. Homeowners Association of Philadelphia, Paul Badger
7. Legal Clinic for the Disabled, Linda Peyton
8. Liberty Resources, Inc., Thomas Earle
9. Office of the Deputy Managing Director for Health & Human Services, Eva Gladstein
10. Philadelphia Bar Association, Deborah Gross
11. Philadelphia City Council, Helen Gym
12. Philadelphia Housing Authority, Kelvin Jeremiah
13. Philadelphia Legal Assistance, Jonathan Pyle
14. The Public Interest Law Center, Jennifer Clarke
15. Regional Housing Legal Services, Mark Schwartz
16. Reinvestment Fund, Donald Hinkle-Brown
17. Temple University School of Law State Court Clinical Program, Annette M. Rizzo
18. Tenant Union Representative Network, Phil Lord
19. Utility Emergency Services Fund, John Rowe
20. Witnesses to Hunger, Imani Sullivan

The Task Force was also fortunate to have many people offer their time, research, and thoughtfulness to the development of this report. In particular, the Task Force would like to thank the following individuals for their contributions: Bianca Barnes (Liberty Resources, Inc.), Judy Berkman (Regional Housing Legal Services), Rachel Blake (Regional Housing Legal Services), Kristin Bray (Law Department), Carolyn Brown (Office of Community Empowerment and Opportunity), Kyle DeMaria (Federal Reserve Bank of Philadelphia), Charlotte Edelstein (Office of Health & Human Services), Ira Goldstein (Reinvestment Fund), Mary Horstmann (Office of Health & Human Services), Bruce Johnson (Office of Homeless Services), Jennifer Kates (Office of City Councilwoman Helen Gym), Rue Landau (Human Relations Commission), Melissa Long (Division of Housing and Community Development), Judge Bradley K. Moss (Supervising Judge, Civil Division, Philadelphia Municipal Court), Judge Marsha H. Neifield (President Judge, Philadelphia Municipal Court), Lauren Parker (Office of Community Empowerment and Opportunity), Rasheedah Phillips (Community Legal Services), Katrina Pratt-Roebuck (Office of Community Empowerment and Opportunity), Greg Preston (Office of Community Empowerment and Opportunity), Larry Redican (Philadelphia Housing Authority), Nadine Stevenson (Philadelphia Housing Authority), Rebecca Swanson (Department of Licenses & Inspections), Dan Urevick-Ackelsberg (Public Interest Law Center), and Jeni Wright (AIDS Law Project of Pennsylvania).

APPENDIX II: Compiled Task Force Metrics

OUTREACH AND EDUCATION	1.	Create a single portal for access to prevention services	<ul style="list-style-type: none"> » # calls to hotline/visits to housing counselors » # callers who receive eviction filing
	2.	Conduct a public education campaign about eviction	<ul style="list-style-type: none"> » Estimated views » # attendees at trainings/workshops » Evaluation of effectiveness
	3.	Expand direct outreach to tenants with an eviction filing	<ul style="list-style-type: none"> » # doors knocked, phone calls made » # default judgments
RESOURCES AND SUPPORTS	4.	Explore expanding the availability of short and long-term rental assistance and other affordable housing subsidies	<ul style="list-style-type: none"> » # doors knocked, phone calls made » # default judgments
	5.	Replicate HomeBase, New York’s targeted homelessness prevention program	<ul style="list-style-type: none"> » # nights spent in a homeless shelter » # families, single adults served » Length of time tenants maintain housing » Changes to tenant’s household income
	6.	Enable small landlords to make repairs	<ul style="list-style-type: none"> » # homes improved » # loan defaults » % successful reinspections by L&I
	7.	Develop a database to look up landlords	<ul style="list-style-type: none"> » # lookups/visits » # eviction filings per landlord » Change in code violation status
	8.	Increase support for tenants who are evicted due to a sheriff’s sale	<ul style="list-style-type: none"> » # tenants with legal representation
HOUSING STANDARDS	9.	Increase efforts to identify and enforce against unlicensed landlords	<ul style="list-style-type: none"> » # rental licenses
	10.	Restructure the process for enforcing property code violation penalties	<ul style="list-style-type: none"> » % dollars collected out of total dollars fined
	11.	Expand inspection of problematic landlords	<ul style="list-style-type: none"> » # proactive inspection cases filed » % of cases resolved
LEGAL PROCESSES AND POLICIES	12.	Good cause legislation	<ul style="list-style-type: none"> » # challenges in FHC to determination of good cause
	13.	Set up alternate opportunities for resolution within the eviction process, both before and after an eviction filing	<ul style="list-style-type: none"> » % people in Landlord-Tenant Court who previously participated in pre-court mediation » # people who participated who do not end up in Landlord-Tenant Court » # and type of agreements made » % filings withdrawn before hearing
	14.	Increase enforcement of requirements related to rental licenses, the certificate of rental suitability, the lead safe certificate, and Partners for Good Housing	<ul style="list-style-type: none"> » Total # of units with certificates of rental suitability » % cases filed by landlords who are not in compliance with one or more of these requirements » #JBAs reviewed, % JBA breaches
	15.	Increase legal representation for low-income tenants	<ul style="list-style-type: none"> » % tenants represented
	16.	Seal eviction records	<ul style="list-style-type: none"> » #JBAs that include a clause about vacating the judgment » #records sealed » #records expunged
	17.	Increase accessibility of Landlord-Tenant Court and the mediation process	<ul style="list-style-type: none"> » # default judgments » #JBAs breached by tenants

APPENDIX III:

Landlord and Tenant Responsibilities Required by Law and Policy

LANDLORD	TENANT
PRE-RENTAL PERIOD	
<ul style="list-style-type: none"> » Must have a valid rental license from L&I. » Must provide a current certificate of rental suitability; therefore, must not have any open L&I violations that are more than 90 days old at least 60 days prior to tenant move in » Landlords that do not have a business address within Philadelphia must have an agent or property manager located in Philadelphia who can communicate directly with the tenant. » Provide tenant with a copy of the City’s Partners for Good Housing handbook 	<ul style="list-style-type: none"> » Choose a rental property where rent can be regularly paid on time. » PHA tenants and Housing Choice Voucher Program tenants may have additional pre-rental requirements.
RENTAL PERIOD	
<ul style="list-style-type: none"> » Must maintain habitability and compliance with property maintenance and fire codes, are responsible for repairs, and cannot pass repair costs on to the tenants. » Habitability includes a flush toilet with a door, bathtub/shower in a private room, a kitchen sink, safe cooking range, running hot and cold water, heat at 68 degrees from October to April, electricity, ventilation in every room, two electrical outlets in every room, lighting in public hallways, repairs to the structure (roof, walls, window), functional doors and windows » Must follow the legal process to evict or lock out a tenant, including giving the tenant a written notice and filing a complaint in Landlord-Tenant Court. Under state law, tenants can waive this notice in their lease. » Must return to tenants residing in the property for more than 12 months any security deposit in excess of one month. 	<ul style="list-style-type: none"> » Must comply with all legal lease terms » Must report problems to landlords in writing, and allow reasonable time for repairs. » Must allow landlord access for repairs within the amount of time stated in the lease » If changes are not made, should report problems to L&I by calling 311 and receiving a Service Request Number. » If rent is withheld, have the capacity to pay rent once the dispute is resolved; or if in escrow, establish a separate account in which rent balance is kept current
POST-RENTAL PERIOD	
<ul style="list-style-type: none"> » Must return security deposits to the tenant within 30 days after vacating the premises. If landlord is claiming any deductions based on damages, they must within 30 days provide an itemized list of damages and charges equal to the amount of the deduction. 	<ul style="list-style-type: none"> » If moving out, must send a letter, text, or other communication and request to landlord with the new forwarding address to receive the security deposit. » If the security deposit is not returned within 30 days, can file a complaint in Municipal Court for twice the deposit (Small Claims Court).

APPENDIX IV: Summary of Existing Eviction Services

N/A: information not available

ORGANIZATION	PROGRAM	SERVICES/RESOURCES	ANNUAL PROGRAM BUDGET	TOTAL SERVED
Pennsylvania Department of Human Services (DHS)	Low-Income Home Energy Assistance Program (LIHEAP)	Utility Assistance	\$125,300,000	Cash: 355,496
	Emergency Shelter Allowance (ESA)	Rent Assistance	Cash: \$83.2M Crisis: \$42.1M	Crisis: 116,030 households
City of Philadelphia: Office of Homeless Services (OHS)	Emergency Assistance and Response Unit	Counseling/Referrals	\$403,000	400 recipients
	Emergency Services Grant (ESG)	Rent Assistance	\$400,000	58 recipients
	Housing Trust Fund (HTF)	Rent Assistance	\$500,000	72 recipients
	HOME Funds	Rent Assistance	\$441,000	50 recipients
	OHS General Fund	Rent Assistance	\$100,000	115 recipients
AIDS Law Project	Legal Assistance	Representation	\$900,000	6,621 cases
	Legal Outreach	Education		
Clarifi	Financial Workshop	Education, Counseling/Referrals	N/A	6,645 clients
Community Legal Services (CLS)	Legal Assistance	Representation	N/A	9,100 cases
	Phone Helpline	Counseling/Referrals		
Congreso	Renter Counseling	Counseling/Referrals	N/A	N/A
	Rent Assistance	Rent Assistance		
Energy Coordinating Agency (ECA)	Energy Counseling	Utility Assistance, Counseling/Referrals	\$275,520	9,184 cases
	Utility Assistance Intake	Counseling/Referrals	\$630,190	3,707 cases
Face to Face	Legal Center	Counseling/Referrals	\$60,000 (operations)	500 cases
	Social Services	Counseling/Referrals		
Germantown Avenue Crisis Ministry (GACM)	Renter Counseling	Counseling/Referrals	\$200,000	1.2k-1.3k cases
	Grant Assistance	Rent Assistance, Utility Assistance	\$40k-50k	N/A
Legal Clinic for the Disabled (LCD)	Legal Assistance	Representation	N/A	1300+ cases
	Medical Legal Partnership	Representation		
	Community Legal Clinics	Education		
Legal Help Center	Legal Assistance	Representation	\$50k-80k	141 cases
Philadelphia Interfaith Hospitality Network (PIHN)	Renter Counseling	Counseling/Referrals	\$375,000 (80%)	250 families
Philadelphia VIP	Volunteer Legal Representation	Representation	\$4,176,178 (pro bono value)	950 cases
SeniorLAW Center	Legal Assistance	Representation	N/A	3800 seniors (state-wide)
	PA SeniorLAW Helpline	Counseling/Referrals		
	Landlord-Tenant Legal Help Center	Representation		
	Community Legal Clinics	Education, Counseling/Referrals		
Tenant Union Representative Network (TURN)	Tenant Rights Education	Education	\$300,000	2,500 attendees
	Individual Counseling	Counseling/Referrals	\$300,000	1,500 cases
	Hotline Assistance	Counseling/Referrals	N/A	N/A
	Rental Subsidies	Rent Assistance	\$6,000,000	500 cases
Utility Emergency Services Fund (UESF)	Utility Grant Program	Utility Assistance	\$1.2M-1.3M unmatched	2,3-2,500 cases
	General Rent Assistance	Rent Assistance	\$140,000	250-300 cases
	Veterans Program	Rent Assistance, Utility Assistance	\$200k-250k	200+ cases
	Renter Counseling	Education, Counseling/Referrals	\$2,400,000 (operations)	2,000 cases
Veterans Multi-Service Center (VMC)	Prevention Dollars	Rent Assistance, Utility Assistance	\$510,909	409 cases
	Case Management	Counseling/Referrals	\$24,000	40 cases
	Financial Counseling	Counseling/Referrals	\$107,300	N/A

APPENDIX V: Philadelphia Eviction Prevention Project Summary

Tenants who are seeking information about these resources are encouraged to call the Tenant Aid Line at 267-443-2500 or visit www.phillytenant.org

GOALS

The Philadelphia Eviction Prevention Project will:

- » Create a cohesive structure to eviction-related legal services so clients are able to access the services they need regardless of their point of entry.
- » Streamline the information and referrals to ensure that services provided are reaching clients at the earliest point possible and maximizing their impact.
- » Develop and refresh tools to get information to clients about their rights and access to services
- » Expand access to legal services for tenants in a cost effective and sustainable way.

SERVICES

COURT-RELATED SERVICES

Tenant Help Center Expansion—This project proposes to significantly expand the staffing, hours, and data tracking capacity of the Help Center.

Court Navigators—This project will provide an innovative way to expand services to tenants, by having a Court Navigator present in Municipal Court. The Navigator is intended to be able to assist tenants and landlords in the courtroom with basic information about the process and their court options, answer questions on the spot, and help individuals contact a financial counselor.

Lawyer of the Day Pilot—Project partners will pilot a limited Lawyer of the Day program to coordinate coverage of up to five hearings per scheduled day to appear in court.

Recruiting Pro Bono Attorneys—A major part of this project will be Philadelphia VIP's work to increase the number of volunteer attorneys providing representation to tenants facing eviction actions.

PREVENTION/EDUCATION SERVICES

Financial Counseling—Clarifi, through the City's Financial Empowerment Centers, will provide financial counselors, either immediately by phone, by referral, or by appointment, to provide resources and information to pro se tenants, provide information to landlords about the possibilities of, or status of rental assistance, and provide pre-court or pre-agreement budgeting and advice.

Tenant Referral Helpline—The live hotline will provide limited advice to callers, and will provide referral information for tenants to get assistance from legal services organizations, and/or provide online intake for further contact.

Educational Resources—The project will expand and improve phillytenant.org website, adding additional self-help content and resources to the website, including educational videos.

Outreach—Project partners will provide tenants' rights workshops in neighborhoods experiencing high rates of eviction.

Intake and Referral—Along with this investment of staff to greatly expand services, the project will invest in technology to ensure that we are maximizing our resources.

PARTICIPATING PARTNERS

Community Legal Services, SeniorLAW Center, Legal Clinic for the Disabled, Clarifi, TURN, Regional Housing Legal Services, Philadelphia VIP

APPENDIX VI:

Task Force Mandate

APPENDIX VI:

Community Perspectives from Focus Groups and Public Comment Session

Charge for Mayor's Task Force on Eviction Prevention and Response

Read the Executive Order here: <http://www.phila.gov/hhs/PDF/Meeting/Exec%20Order.pdf>

The Task Force met monthly, for a total of nine meetings, beginning on October 17, 2017 and concluding with the release of the final report in June 2018. All Task Force Meetings were open for the public to attend. Task Force members had opportunities to participate in site visits to Landlord-Tenant Court and Fair Housing Commission hearings during the course of their term.

The Task Force conducted focus groups with landlords, landlord attorneys, Philadelphia residents, the Municipal Courts, LGBTQ rights advocates, disability rights advocates, and immigrant/refugee advocates. During these sessions, participants shared their experiences with eviction, their perspectives on what works and does not work in the eviction process, and how the process could be improved. In total, the Task Force received input from over 200 individuals in the development of the report.

COMMON THEMES

Seven focus groups allowed the many different stakeholders in the eviction crisis to voice their concerns. Residents expressed a need for better education about tenant rights, and education to equalize the power dynamic between landlords and tenants particularly in the navigation of the legal system. Tenants discussed fighting harassment, ensuring that properties are at a proper standard, and increasing legal representation.

Like tenants, landlords and landlord attorneys voiced wanting to avoid the costs and hassle of the eviction process. Other common themes include a desire to streamline communication between L&I and Municipal Court, and the observation that both landlords and tenants are often confused and about their rights and responsibilities, and about the court process.

Some of the key comments from these discussions include the following:

Bar Association Municipal Court Committee

- » Tenant attorneys noted that the power dynamic in landlord/tenant court cases inherently favors landlords, as tenants bear the burden of proof and have no mechanism to require landlords to make repairs.
- » Improved communication between L&I and Law was a point of agreement, as was centralizing landlord certification records and streamlining the process for tenants to cite landlord violations.

Disabilities Advocates

- » Landlords may be reluctant to/refuse to supply necessary accommodations
- » Barriers for tenants to understand proceedings are present in court, particularly for members of the deaf community who are at lower reading levels.
- » Proposals for improvement included making the process for having interpreters in court simpler, and increasing outreach to people with disabilities regarding the eviction process and tenant rights.

APPENDIX VI: Community Perspectives from Focus Groups and Public Comment Session

Immigrants, Refugees, and Limited English Proficiency

- » Immigrants and refugees face a large barrier in their resettlement, as the cash assistance provided to these populations is insufficient to cover the up-front rent deposit required.
- » Leases are often in English, and translation is not always available.
- » Harassment and discrimination are common against these populations. Threats of eviction or mentions of immigration status often force the tenant to leave before the landlord even files for eviction.
- » Advocates sought to incentivize renting to these populations, and to create a database of trusted landlords.

LGBTQ Advocates

- » LGBTQ advocates expressed the importance of bringing trusted housing advocates and eviction prevention service providers into LGBTQ spaces where clients can feel safe.
- » The transgender population and LGBTQ youth especially may feel that the legal system is not built for them, and therefore be resistant to going to Municipal Court or contacting legal services providers, even when their landlords are harassing them, or they have been wrongly evicted.
- » The group discussed the importance of licensing landlords, and of using licensing requirements and inspections to hold the landlord accountable for making repairs. However, participants also noted that many of their clients rent from low-income landlords who remain purposefully unlicensed and expressed concern about losing these housing options, despite poor conditions.
- » Because many LGBTQ youth experience homelessness or housing instability, some outreach should be done in spaces that are accessible to youth, particularly spaces in which youth are already organically organizing.

Landlords, Property Managers, and Landlord Attorneys

- » The complexity of the regulations and legal process of eviction was the most commonly noted challenge raised by participants in this focus group. Rigorous regulations and miscommunication issues were cited as examples that make things especially difficult and expensive for smaller landlords. Specific regulations cited include the lead safe certificate. The regulations also put more and more burdens on landlords who play by the rules, while doing little to hold abusive landlords accountable.
- » The participants in this focus group were strongly against lengthening the eviction process, due to cost concerns. Delays in eviction could make housing more expensive and create a housing shortage.
- » Landlords suggested ideas such as the creation of an insurance program or a fast-track eviction mechanism to incentivize renting to tenants who are low-income or have a history of eviction.
- » Landlords see renting as a business and make their decisions from this paradigm.
- » Landlords need access to greater education, and less regulation.

Municipal Court Staff

- » Landlords and tenants both often seem to be uninformed in different aspects of the court process as well as issues that could prevent court intervention such as budgeting.
- » Looping in the Police Department to regulate illegal lockouts and promoting conflict resolution between tenants and landlords would be helpful.

Tenants

- » Complaining about habitability issues often leads to retaliatory evictions, either legal or illegal
- » Residents noted that tenants are often unaware of the terms of the lease, even if they are unfair or illegal. Even if they are aware of unfair terms or habitability issues, they may sign anyway, because they are in need of housing.
- » The landlord/tenant power dynamic is skewed, especially in court where landlords often have representation and experience that tenants do not.
- » Standard leases, rights education, and increased regulation of landlords and properties were proposed to address these issues, as were increased tenant supports.

PUBLIC COMMENT SESSION

In the public comment session, tenants and advocates described their eviction experiences, and made suggestions to the present Task Force members about how to improve the eviction process. One family reported being evicted in retaliation after a disabled tenant won a judgment against the landlord. Another individual noted that as many as 20% of Philadelphia's elderly are below the poverty line, making it difficult for them to afford rent. Renters of various ages reported experiences of unfair evictions, renting properties with code violations, and landlords who filed for eviction rather than performing requisite repairs. Other testimonies noted that an eviction record makes it difficult to find future housing, that gentrification and a focus on housing for students and professionals has pushed out longtime residents, and that accessing courts and the legal system is a daunting task for tenants.

Advocacy groups and renters had several suggestions to address the eviction problem. Tenants and advocates argued that Good Cause eviction legislation would make the eviction process fairer, and prevent wrongful evictions. Another idea discussed was legislation focused on minimizing the negative effects of an eviction record on future prospects of finding housing. Attendees also proposed ideas such as landlord and tenant education workshops, landlord background checks, and improving legal aid. Ideas such as these were based on the experiences and issues faced by diverse stakeholders of the Philadelphia housing community, and incorporating this feedback will be an important part of the Task Force's work.

APPENDIX VII:

List of Acronyms Used

BHA	City of Boston Housing Authority
CAP	Customer Assistance Program from PECO, Philadelphia’s primary electric company
CEO	City of Philadelphia Office of Community Empowerment and Opportunity
CIP	Boston’s Court Intervention Project
CRP	Customer Responsibility Program from Philadelphia Gas Works
DHCD	City of Philadelphia Division of Housing and Community Development
FCRA	Fair Credit Reporting Act
FHA	Fair Housing Act
FHC	City of Philadelphia Fair Housing Commission
HUD	U.S. Department of Housing and Urban Development
JBA	Judgment by Agreement
L&I	City of Philadelphia Department of Licenses and Inspections
LIHEAP	Low-Income Home Energy Assistance Program, federally funded grant for utility payments
NOV	Notice of Violation
OHS	City of Philadelphia Office of Homeless Services
PHA	Philadelphia Housing Authority
PHRA	Pennsylvania Human Relations Act
TAP	Tiered Assistance Program from Philadelphia Water Department

APPENDIX IX:

Glossary of Terms

Affidavit of Breach	when either the landlord or the tenant violates a Judgment by Agreement, the opposing party can file this statement explaining in what way the landlord or tenant did not comply. If the court determines that the tenant has breached, landlords can immediately file for a writ of possession. When landlords breach an agreement, tenants can seek injunctive relief to mandate or prohibit a landlord’s actions, and/or money damages.
Alias Writ of Possession	the final notice that restores possession of the property to the property owner (landlord). It prompts the immediate removal of the tenant from the leased premises and a change of locks. Tenants are allowed one-time entry into the property within 30 days to remove belongings. In Municipal Court cases, served in-person by Landlord-Tenant Officer; in Court of Common Pleas cases, served in-person by the sheriff.
Arrears (also “arrearages”)	legal term to describe money that is owed from one party to another, an unpaid debt.
Breach of Lease	tenant violation of provisions of the lease agreement; the property owner can initiate the termination of the lease on these grounds.

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Certificate of Rental Suitability	document issued by the Department of Licenses and Inspections that must be obtained no more than 60 days prior to a new tenancy. By signing this document, the property owner acknowledges the obligation to provide a fit and habitable property including all fire and smoke detection equipment. In other words, the certificate of rental suitability must be no older than 60 days when the lease starts. Otherwise it expires.
Complaint	the court filing made by a landlord against a tenant stating the reasons (nonpayment of rent, termination of term, or breach of conditions of the lease) for eviction. The notice sent to the tenant stating the date and time the tenant must appear in Municipal Court and the reasons for eviction. ⁵⁵ Served by Municipal Court by mail, and by landlord either directly to the tenant (responsible adult) or posted at the leased premises
Continuance	the postponement of a hearing at the mutually agreed upon request of either party.
Court of Common Pleas	the higher court that hears appeals from Municipal Court.
Default Judgment	outcome in favor of the present party if either party is not present at the Listing Time
Dispute Resolution Program	the unit that trains and administers the court’s mediation program
Diversion Program	see <i>Philadelphia Mortgage Foreclosure Diversion Program</i> .
Docket	to enter a case onto the list of those due to be heard in court.
Ejectment	unlike eviction, which is the legal method of removing a tenant when a landlord-relationship exists and the tenant is someone paying rent and/or has a lease, ejectment is the legal method of removing someone who is not a tenant. If there is no lease or rent is not being paid, then an owner who wants to remove an occupant must pursue ejectment. While eviction cases occur in Landlord-Tenant Court, ejectment matters are handed in the Court of Common Pleas, which often requires the assistance of an attorney.
Escrow	a third-party or account into which, for example, (rent) payment is placed in the case of withholding rent for repairs or in the process of appeals
Eviction Prevention Project	Community Legal Services–led, multiagency service program that will fund a tenant helpline and website, information and connections to legal services inside the courtroom, direct legal representation of tenants, outreach to at-risk tenants, and financial counseling with \$500,000 in allocated public funds.
Eviction Rate	the number of eviction filings as a percentage of the total number of renter-occupied units.
Eviction Task Force	see <i>Task Force on Eviction Prevention and Response</i>

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Expunge	expungement is a way to clear a criminal record so that the charge is removed from the public record entirely. Under Pennsylvania law, any criminal charges that did not result in conviction are eligible to be expunged, such as if a charge was dismissed or withdrawn. Unlike sealing, in which the record still exists and could be accessed with a court order, in expungement the record is deleted completely.
Fair Housing Commission (“FHC”)	municipal authority that enforces the <i>Philadelphia Fair Housing Ordinance</i>
Fair Housing Ordinance	the law that prohibits certain unfair rental practices by landlords against tenants and gives Fair Housing Commission the authority to address unsafe and unhealthy conditions in a rental property.
Fear of Retaliation	a tenant’s fear that, as a result of exercising one’s rights (for example, filing an L&I complaint against the property), a landlord will raise rent, initiate an eviction, or any other disciplinary action.
First Filing Unit	the unit that handles the initial filings for litigants and attorneys.
Good Cause Eviction (also just cause)	legal protections against evictions without a good cause, such as breach of lease or nonpayment of rent. This would provide greater protection against evictions for reasons such as retaliation or discrimination.
Hearing	the formal court proceeding, if mediation is not mutually agreed upon or is unsuccessful, which will result in an appealable judgment.
Help Center	see <i>Landlord-Tenant Legal Help Center</i>
Housing Choice Voucher Program (HCVP)	formerly known as Section 8, a HUD-funded program for very low-income families, the elderly, and the disabled that provides assistance in the form of a housing subsidy paid to the landlord in the private market.
Housing Court	similar to <i>Landlord-Tenant Court</i> in Philadelphia, Housing Court in New York City is a part of the court system where landlords and tenants go to solve their housing problems. New York City’s HomeBase program, which focuses on interventions for tenants who are at imminent risk of homelessness, offers housing court assistance.
HUD	abbreviation for the U.S. Department of Housing and Urban Development, the federal agency responsible for funding public and subsidized housing projects as well as administering many affordable housing and homelessness assistance programs.
Illegal Eviction	a form of eviction in which a landlord locks or forces a tenant out by any means (door removal, utility termination, threats) without legal purview.
Informal Lease	see <i>Oral Lease</i>

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Injunction (also injunctive relief)	a type of court order requiring a person to do or cease doing a specific action, such as requiring a landlord to make repairs. Whereas judgments set out the legal positions of the parties following a trial, an injunction is a court order, meaning that if it is violated a sanction (penalty) can occur. For example, a failure to comply with an injunction could result in being held in contempt of court, which could lead to a fine or jail if the person was found guilty.
Judgment by Agreement (JBA)	the binding and unappealable agreement reached before the court hearing, at the time of the hearing, or through court mediation.
Judgment for Possession	if a judge rules against the tenant in <i>Landlord-Tenant Court</i> , a judgment for possession is given to the landlord. This judgment does not mean the landlord is entitled to the tenant’s personal property. Instead, it means that possession of the space rented by the tenant will return to the landlord after an eviction or the tenant voluntarily moves out of the rented property. After the ten day appeal period has expired, the landlord may file for a writ of possession.
Judgment from the Bench	the outcome administered by the court should the tenant and landlords not reach an agreement. The court can order payment of a money judgment for rent and utility arrears over a period of 1 year maximum.
L&I	abbreviation for the Philadelphia Department of Licenses and Inspections, the municipal authority which administers licenses, permits, and certificates, and enforces the Philadelphia building, property maintenance, and fire codes.
Landlord-Tenant Court	a colloquial name for the <i>Municipal Court</i> Civil Division that handles cases involving written or oral lease agreements.
Landlord-Tenant Legal Help Center	an in-court resource for tenants seeking legal advice and staffed by Community Legal Services.
Landlord-Tenant Officer	the contracted entity responsible for serving the <i>alias writ of possession</i> and consequent ejection of the tenant.
Lead Safe Certificate/ Lead Free Certificate	document required at each change of tenancy, prior to the signing of a lease, when the new tenant has a child age six or under and the property was built before 1978. This document certifies that the property has passed a visual inspection for deteriorated paint, has tested negatively for lead dust wipe samples or is free of any lead paint.
Listing Time	the time at which the trial commissioner calls the list of cases to be heard, parties must answer “present.”
Mediation	the formal process of settlement negotiation outside of court in which, prior to trial, both parties must agree to enter mediation prior to the trial, Municipal Court will provide a trained mediator, but parties may choose to negotiate without the help of a court mediator.
Municipal Court	The Civil Division of this City Court hears Small-Claims and Landlord-Tenant cases, which involve a written or oral lease. This court has the authority to evict a tenant or enter a money judgment without limit. The court cannot hear a case involve a squatter and cannot order a landlord to make repairs.

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Notice to Quit	the initial written notice that communicates a landlord’s intention to initiate eviction following a defined period, after which a landlord will file an <i>Eviction Complaint</i> at <i>Municipal Court</i> .
Oral Lease (also “informal lease”)	a lease that is not written or recorded, but implied through the regular payment of rent and therefore contractually binding.
Partners for Good Housing	handbook outlining the responsibilities of owners, tenants, and landlords for maintaining houses and apartments in safe, clean, and habitable condition.
Pay-and-Stay	a tenant right, in cases solely brought by nonpayment of rent, where by paying the amount of money judgment and all court and writ costs, a tenant may stay in the rental unit for the remaining term of the lease. This right can be exercised any time after the landlord has filed a <i>writ of possession</i> and before the actual eviction.
Petition to Open a Default Judgment	appeal filed by either party to challenge the judgment with a good reason for failure to appear and a reasonable defense.
PHA	an abbreviation for Philadelphia Housing Authority, the municipal authority providing HUD-funded public housing services in Philadelphia.
Philadelphia Mortgage Foreclosure Diversion Program	a successful program enacted in Philadelphia in response to mortgage foreclosure crisis of 2008. When a foreclosure complaint is filed by the lender, the case is diverted from normal court proceedings. The homeowner is instead given a chance to meet with a housing counselor or legal counsel to explore an alternative to foreclosure. The homeowner and mortgage lender are then required to attend one or more mediation sessions in which advocates for both the homeowner and the lender come together to attempt to resolve the issue.
Rental License	document required to rent any type of housing unit which predicates the property has no L&I code violations and the entity requesting is not tax delinquent. This license is \$55 per unit and must be renewed annually.
Satisfaction of (Money) Judgment	the act of fulfilling payment to the litigant. Upon payment in full, parties must sign an order to mark judgment satisfied or tenants can provide receipts for entire judgment amount.
Second Filing Unit	the unit responsible for the scheduling of all cases heard in the civil courtrooms of <i>Municipal Court</i> .
Self-Help Eviction	see <i>Illegal Eviction</i>
Service	the action of delivering a legal notice
Sheriff’s Sale	there are two types of sheriff’s sales. First, when the owner of a property fails to make a payment arrangement on municipal debt (such as outstanding water or sewer bills) levied on his/her property, that property may be sold at the tax sheriff’s sale to allow the City to collect on that unpaid debt. Second, a sheriff’s sale may occur when mortgage companies and other financial institutions seek to collect debts owed to them, particularly in instances where a homeowner defaults on his/her mortgage payments.

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Subsidized Housing	housing in which tenants pay rent as a percentage (usually 30%) of their income and the remainder is paid to the property owner by HUD via the local public housing authority.
Task Force on Eviction Prevention and Response (also Eviction Task Force)	twenty-seven-member group co-chaired by the directors of the Office of Homeless Services and Office of Community Empowerment and Opportunity and charged with collecting data, identifying gaps, and developing a report of actionable recommendations for reducing eviction in Philadelphia over nine months.
Tax lien	a lien is a legal form of security over a piece of property to ensure the payment of a debt or other obligation is satisfied. If the related obligation is not satisfied, the creditor may be able to take possession of the property involved. A tax lien is a specific type of lien. A tax lien is imposed by law upon a property to secure the payment of taxes. If assessed taxes are not paid, the government may be able to take possession of the property involved.
Tenant Help Desk	see <i>Landlord-Tenant Legal Help Center</i> .
Tenant Referral Helpline	coordinated by legal services and tenant advocate organizations, the helpline connects tenants to live advice, information, and legal services resources.
Termination of Term	the cessation of a rental agreement initiated by the landlord.
Voucher Program	see <i>Housing Choice Voucher Program</i>
Warranty of Habitability	the implied obligation of the landlord to keep the property habitable in accepting rent from a tenant. The breach of one party's duties relieves the obligation of the other.
Withdrawal of Case (Settlement)	outcome should the plaintiff retract the case and both sides agree to a private settlement agreement without the involvement of the court. ⁵⁶
Writ	written orders issued by the court requiring the performance of a specific act or giving authority to have an act done, such as a <i>Writ of Possession</i> .
Writ of Possession	filing that is intended to notify the tenant an eviction will take place 11 or more days after the writ is served.
Writ Server	personnel of the Municipal Court who are authorized to serve writs. Depending on the writ, the manner of service differs. For a <i>Writ of Possession</i> in Philadelphia, service entails posting the writ and mailing it to the leased premises.

Report references are available online at phila.gov/hhs.

Get help

TENANTS LOOKING FOR
ASSISTANCE CAN VISIT

<http://www.phillytenant.org/>

OR CALL

267-443-2500

FOR MORE INFORMATION
ON THE REPORT, VISIT

<http://www.phila.gov/hhs/>

