

# RIGHT TO COUNSEL ANNUAL REPORT

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FY 2023



## BACKGROUND

Like many cities in the nation, Philadelphia is experiencing an eviction crisis, which disproportionately impacts Black and brown residents and women. Eviction not only impacts the individual household, but also destabilizes communities.<sup>i</sup> To provide more equitable access to legal representation and protect tenants' rights, the City of Philadelphia launched Right to Counsel (RTC). Right to Counsel is one component of the Philadelphia Eviction Prevention Project (PEPP), which provides a range of legal and support services from its contributing organizations. Legal services are provided by Community Legal Services (CLS), Legal Clinic for the Disabled (LCD), Philadelphia VIP, and SeniorLAW Center (SLC), financial advice is provided by Clarifi, and the intake hotline is operated by Tenant Union Representative Network (TURN).

RTC guarantees free legal representation to eligible low-income tenants with an annual gross income at or below 200% of the Federal Poverty Level. This includes tenants facing eviction, housing subsidy termination, or other lease or tenancy termination proceedings. City Council passed legislation guaranteeing this right in November 2019.<sup>ii</sup> The City enacted regulations regarding Right to Counsel in December 2021.<sup>iii</sup> Right to Counsel launched in February 2022 in two initial zip codes (19139 and 19121).<sup>iv</sup> In fiscal year 2023, RTC continued in 19121 and 19139 and it expanded in February 2023 to include 19144 and 19134. These initial zip codes were selected due to the high number and rate of evictions, and proportion of families in poverty in the zip codes.<sup>v</sup> This report focuses on data from fiscal year 2023 (July 1, 2022 – June 30, 2023).

### Right to Counsel applies to proceedings in four settings:

<p><b>MUNICIPAL COURT (MC)</b></p> <p>Landlord Tenant complaints filed by a landlord against their tenant.</p>	<p><b>FAIR HOUSING COMMISSION (FHC)</b></p> <p>Administrative proceedings to enforce fair rental practices where tenancy is at risk.</p>
<p><b>COURT OF COMMON PLEAS (CCP)</b></p> <p>Action in ejectment cases (determinations of who has the better right to possession of a property), appeals from Municipal Court, and appeals from the Fair Housing Commission based on merit.</p>	<p><b>PHILADELPHIA HOUSING AUTHORITY (PHA)</b></p> <p>Grievance hearings can dispute a lease termination notice; if tenants believe PHA has failed to make repairs, transfer a tenant, or recalculate a tenant's rent, then PEPP assesses on a case-by-case basis.</p>

# HIGHLIGHTS

## RIGHT TO COUNSEL YEAR 2 (July 1, 2022 – June 30, 2023)

- Additional outreach strategies were employed including in person events, texting tenants, and coordination with the Philadelphia Housing Authority to increase outreach to PHA tenants before their hearings.
- As of July 1, 2023, 700 tenants in the RTC zip codes received advice or legal representation from PEPP partners in Municipal Court.
- In the RTC zip codes, 35% of cases received PEPP representation in Municipal Court compared to a citywide PEPP representation rate across all Philadelphia zip codes of 18%.
- RTC-represented tenants were more likely to enter into a Judgment by Agreement (JBA) where attorneys could help them negotiate reduced judgments, more time to move, and payment plans.
- An evaluation of the Right to Counsel was completed by the Reinvestment Fund.<sup>vi</sup>
- Lessons from the roll out and expansion have informed continued outreach strategy for RTC, including expanding coverage in proceedings outside of Municipal Court (i.e., FHC, PHA, and CPP), and increasing RTC participation for Latinx/a/o populations.
- Future RTC zip codes will continue to be determined using an objective, data-driven methodology, with the goal of eventually implementing Right to Counsel citywide.

## LEGAL SERVICES CASE OUTCOMES

As of July 1, 2023, 700 cases have been closed out of the 970 RTC cases opened in the Fiscal Year 23. Of the 700 closed cases, PEPP provided advice in 177 cases where there was no covered proceeding or it was determined there was no need for full legal representation. For cases that required more than advice, PEPP advocates provided 523 tenants with full representation.

## LEGAL SERVICES DEMOGRAPHICS

The demographics of tenants receiving legal services were generally reflective of the zip code populations and the populations disproportionately experiencing eviction, particularly Black women.<sup>vii</sup>

RTC DEMOGRAPHIC COMPARISON						
	Percent of Renters: Ethnicity <sup>viii</sup>	Percent of Renters: Race			Percent of Renters: Gender	Family Poverty
	HISPANIC	BLACK	WHITE	ASIAN	FEMALE HEADED HOUSEHOLDS	<200% FPL
RTC Participants	6.61%	86.19%	3.9%	.15%	76.79%	100%
Population of 19121 <sup>ix</sup>	11%	68.5%	23.9%	3.2%	82.55%	49%
Population of 19139 <sup>ix</sup>	2.9%	82%	10.5%	1.1%	69.23%	53%
Population of 19121 <sup>ix</sup>	35.9%	8.3%	55.2%	2.2%	64.82%	57%
Population of 19139 <sup>ix</sup>	4.6%	74.1%	17.8%	2.5%	63.58%	43%

## MUNICIPAL COURT

FILINGS IN MUNICIPAL COURT IN RTC ZIP CODES	
19121	770
19139	872
19134	240
19144	522
<b>TOTAL</b>	<b>2404</b>

REPRESENTATION RATES IN MUNICIPAL COURT IN RTC ZIP CODES	
Unrepresented Tenants	1894 (70%)
PEPP Represented Tenants	752 (28%)
Privately Represented Tenants	68 (2%)

COMPARISON OF COURT OUTCOMES FOR TENANTS IN RTC ZIP CODES		
	PEPP-Represented Tenants (753)	Unrepresented Tenants (1894)
Judgment by Agreement	518 (68.8%)	490 (25.9%)
Case Withdrawn	178 (23.6%)	627 (33.1%) <sup>x</sup>
Case Pending	0 (0%)	1 (0.1%)
Trial (Judgment for Plaintiff)	22 (2.9%)	31 (1.6%)
Trial (Judgment for Defendant)	7 (0.9%)	8 (0.4%)
Default (Judgment for Plaintiff)	21 (2.8%) <sup>xi</sup>	733 (38.7%)
Default (Judgment for Defendant)	7 (0.9%)	4 (0.2%)

## **FAIR HOUSING COMMISSION**

- 15 complaints were accepted in RTC zip codes.
- Many cases do not have outcomes because the hearings are scheduled for the next FY (5), were withdrawn (1), or had a ruling in the Municipal Court before the FHC hearing (1).
- Of the 8 total closed cases (6 resolved with hearings and 2 resolved by a Judgement by Agreement), PEPP provided representation or advice in 1 case.
- In the 1 case where PEPP provided representation, the lease termination notice was invalidated so the tenant could stay in their home.

## **CASES WITH NO VENUE**

- 53% of tenants with habitability issues saw an improvement after speaking with an RTC attorney or paralegal.
- 10% of tenants with an illegal lockout were able to repossess their unit or stay in their unit after speaking with an RTC attorney or paralegal.

## **PHA GRIEVANCE HEARINGS**

- There were 0 grievance hearing cases in 19134, 4 grievance hearings in 19144, 6 in 19139, and 13 in 19121.
- Of the 18 total households with grievance hearings, PEPP represented in 1 case.
- In the case that received representation, the notice to vacate was withdrawn so the tenant could stay in their home.

## **COURT OF COMMON PLEAS**

- There were 23 cases that closed in which PEPP provided full representation.
- Of the 23 cases, there were 6 in 19121, 4 in 19134, 11 in 19139, and 2 in 19144.

## ENDNOTES

- <sup>i</sup> City of Philadelphia. (2018, June). [Mayor’s Taskforce on Eviction Prevention and Response](#).
- <sup>ii</sup> City of Philadelphia. (2014, January). [The Philadelphia Code and Home Rule Charter](#).
- <sup>iii</sup> City of Philadelphia. (2021, December). [Regulations Regarding Chapter 9-800 of The Philadelphia Code: 3 Landlord and Tenant](#).
- <sup>iv</sup> City of Philadelphia. (2022, January) City Launches Right to Counsel for Eligible Philadelphia Tenants. <https://www.phila.gov/2022-01-31-city-launches-right-to-counsel-for-eligible-philadelphia-tenants/>.
- <sup>v</sup> Reinvestment Fund. (2022, October). [Identifying Zip Codes for Expanding Implementation of Section 9-808 of The Philadelphia Code: Legal Representation in Landlord Tenant Court](#).
- <sup>vi</sup> Reinvestment Fund (2023). [Implementing Right to Counsel in Philadelphia: An Evaluation of the Program’s 2022 Rollout](#).
- <sup>vii</sup> U.S. Census Bureau. *2016-2020 American Community Survey 5-year estimates*.
- <sup>viii</sup> Two of the three legal services agencies ask race and ethnicity as a combined intake question. As such, this may result in an undercount of ethnicity.
- <sup>ix</sup> We note that ACS data are not available for specific postal zip codes, rather the Census creates a “generalization” of zip codes in what they term *Zip Code Tabulation Areas* (ZCTA). Although we reference zip codes, we use data from the ZCTAs. For a more thorough explanation of the comparison of zip codes and ZCTA, see: <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/zctas.html>.
- <sup>x</sup> In some cases where tenants know a case will be withdrawn, the tenant will not request or need representation. This may explain why the withdrawal rate is higher for unrepresented tenants.
- <sup>xi</sup> In these cases, the default judgment was entered prior to the PEPP representation and PEPP representation was an attempt to resolve the case post-default judgment.