

# RIGHT TO COUNSEL ANNUAL REPORT

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FY 2024



## BACKGROUND

In November 2019, City Council passed Right to Counsel (RTC) legislation guaranteeing a right to legal representation in matters of eviction and housing risk for eligible tenants.<sup>i</sup> RTC provides free legal representation to low-income tenants in covered zip codes. In February 2022, RTC launched in two zip codes, with three more added as of the end of Fiscal Year 2024. Zip code selection is based on need as indicated by an analysis of the most recent available eviction and demographic data.<sup>ii</sup>

RTC provides more equitable access to legal representation and promotes housing stability. In Philadelphia, eviction filings disproportionately impact residents of color and female heads of household, destabilizing families and communities.<sup>iii</sup> Furthermore, although children are not listed in court records, evictions have serious long-term impacts on this vulnerable population. Children who experience housing instability have an increased risk of chronic disease later in life and lower educational and employment attainment.<sup>iv</sup> Even when legal representation cannot prevent eviction, it can still achieve better results for tenants, such as more time to find another home or a reduction in amount owed.

Right to Counsel is one program under the Philadelphia Eviction Prevention Project (PEPP), which includes a suite of programs providing legal and supportive services to tenants. Right to Counsel legal services are provided by Community Legal Services (CLS), Legal Clinic for the Disabled (LCD), SeniorLAW Center (SLC), and Philadelphia VIP. Tenants are connected to legal services by the Tenant Union Representative Network (TURN) and Philly Counts. Tenants can also connect with services through an online intake form and in-person walk-in hours and clinics.

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

<b>Municipal Court (MC):</b> Landlord Tenant complaints filed by a landlord against their tenant.	<b>Fair Housing Commission (FHC):</b> Administrative proceedings to enforce fair rental practices where tenancy is at risk.
<b>Court of Common Pleas (CCP):</b> 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.	<b>Philadelphia Housing Authority (PHA):</b> Grievance hearings to 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.

# HIGHLIGHTS

## Right to Counsel Year 3 (July 1, 2023 – June 30, 2024)

- Right to Counsel expanded to zip code 19132.
- 1,564 households in the RTC zip codes received legal representation or legal advice by a PEPP partner across all venues.
- PEPP-represented tenants were more likely to enter into a Judgment by Agreement (JBA), were less likely to have Default Judgement, and were more likely to win at trial.
- PEPP partners participated in 18 RTC outreach events, and 87 events total where they promoted PEPP programs, including RTC.
- Community Health Workers at Philly Counts reached out to 2,896 tenants ahead of scheduled court hearings and 48% of them received a legal services referral.

### **Legal Services**

During fiscal year 2024, PEPP legal services agencies served 1,564 cases in RTC zip codes with either legal advice or full representation. 84% of these cases were opened during this fiscal year. Of cases that were closed during Fiscal Year 24, 35% required advice only (either because there was no covered proceeding or there was no need for full legal representation) and 65% received full legal representation.

## Municipal Court

Right to Counsel increased access to justice in Municipal Court by providing more equitable access to legal representation. Historically, more than 90% of landlords in Municipal Court have had a lawyer compared to a representation rate of 14-18% of tenants outside of the Right to Counsel zip codes.<sup>v</sup> Although a large gap still remains, RTC has reduced it significantly.

Filings in Municipal Court in RTC Zip Codes	
19121	577
19139	641
19134	533
19144	965
19132	295
<b>Total</b>	<b>3,011</b>

Representation Rates in Municipal Court in RTC Zip Codes	
<b>Unrepresented Tenants</b>	2651 (73.5%)
<b>PEPP Represented Tenants</b>	881 (24.4%)
<b>Privately Represented Tenants</b>	77 (2.1%)

Comparison of Court Outcomes for Tenants in RTC Zip Codes		
	PEPP-Represented Tenants (881)	Unrepresented Tenants (2651)
Judgment by Agreement	635 (72.1%)	832 (31.4%)
Case Withdrawn <sup>vi</sup>	152 (17.3%)	633 (23.9%)
Case Pending	23 (2.6%)	11 (0.4%)
Trial (Judgment for Plaintiff)	41 (4.7%)	64 (2.4%)
Trial (Judgment for Defendant)	16 (1.8%)	7 (0.3%)
Default Judgment for Plaintiff	10 <sup>vii</sup> (1.1%)	1095 (41.3%)
Default Judgment for Defendant	4 (0.5%)	9 (0.3%)

## Demographics of Households Served Under Right to Counsel<sup>viii</sup>

The demographics of tenants receiving legal services were generally reflective of the zip code populations and included a significant representation of households with children.

	Ethnicity: Hispanic	Race: Black	Race: White	Race: Asian	Female Headed Households <sup>ix</sup>	Federal Poverty Level: Less than 200% <sup>x</sup>
<b>RTC Participants</b>	5.8% <sup>xi</sup>	78%	9.3%	0.5%	30%	100%
<b>Renter Population of All RTC Zip Codes<sup>xii</sup></b>	13.5%	66.9%	14.7%	2.2%	33.2%	18.1%

Percentage of Households Served with One or More Children	Total Children Served Under RTC
51%	1,747

<p style="text-align: center;"><b>FAIR HOUSING COMMISSION</b></p> <ul style="list-style-type: none"> <li>• This data relates to Fair Housing Commission administrative hearings. 34 complaints were accepted by the Fair Housing Commission in RTC zip codes.</li> <li>• PEPP provided legal services in 6 cases. <ul style="list-style-type: none"> <li>○ 3 received legal advice with the ultimate outcome unknown.</li> <li>○ 3 received full legal representation that resulted in the tenant’s housing preserved.</li> </ul> </li> </ul>	<p style="text-align: center;"><b>PHA GRIEVANCE HEARINGS</b></p> <ul style="list-style-type: none"> <li>• This data relates to Grievance Hearings on Notices of Termination, which is the primary hearing type that RTC serves.</li> <li>• There were 6 Grievance Hearings in the RTC zip codes and none received PEPP legal services.</li> </ul>
<p style="text-align: center;"><b>CASES WITH NO VENUE</b></p> <ul style="list-style-type: none"> <li>• 685 households received legal services in situations where there was no tribunal or judicial venue.</li> <li>• 176 of these households either had their time in their housing extended or had their housing preserved.</li> </ul>	<p style="text-align: center;"><b>COURT OF COMMON PLEAS</b></p> <ul style="list-style-type: none"> <li>• There were 19 Court of Common Pleas cases related to a housing issue where PEPP provided legal services.</li> <li>• 13 cases received full legal representation. All of these resulted in housing preservation or an extension of time to move out.</li> <li>• 6 cases received advice only. 3 of these cases resulted in the tenant’s housing voucher or subsidy being preserved.</li> </ul>

<sup>i</sup> City of Philadelphia. (2014, January). [The Philadelphia Code and Home Rule Charter](#).

<sup>ii</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>iii</sup> City of Philadelphia. (2018, June). [Mayor’s Taskforce on Eviction Prevention and Response](#).

<sup>iv</sup> Jones, et.al. 2019 Identifying and Preventing Adverse Childhood Experiences; Implications for Clinical Practice *JAMA*. 2020;323(1):25-26. doi:10.1001/jama.2019.18499.

<sup>v</sup> Reinvestment Fund. (2023, June). [Implementing Right to Counsel in Philadelphia: An Evaluation of the Program’s 2022 Rollout](#)

<sup>vi</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>vii</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.

<sup>viii</sup> 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>.

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<sup>ix</sup> Tenants are not asked to define their household status during the RTC intake process. This report uses the following criteria to determine female head of household status: 1) gender as female, 2) minors present in the household, and 3) only one adult in the household. This definition is designed to identify women who are likely to be the primary caregivers and economic providers for the family. However, this definition has limitations, specifically in the potential to undercount households with more than one adult but where the second adult cannot contribute due to age or disability. This definition is different than what was used in the past. Previous RTC Reports used a broader set of criteria to capture the total number of female head of household.

<sup>x</sup> RTC uses the Department of Health and Human Services' (HHS) poverty guidelines to determine program eligibility. Figures in this report are pulled from the Census' poverty thresholds, which are similar in amount to 100% of the Federal Poverty Level produced by HHS. They both vary by size of family, but the poverty threshold also varies by age of family members. (Poverty Guidelines | ASPE (hhs.gov)).

<sup>xi</sup> In FY2023, the Hispanic population served was reported as 6.61%. This number was incorrect, with the accurate number being 5.14%. This year's numbers represents a small increase in the Hispanic representation rate under the Right to Counsel program.

<sup>xii</sup> U.S. Census Bureau. 2016-2020 American Community Survey 5-year estimates.