

DRAFT



MAYOR'S TASKFORCE ON EVICTION PREVENTION AND RESPONSE

DRAFT REPORT AND RECOMMENDATIONS

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NOTE ON THIS DRAFT DOCUMENT

Below is the public draft of the report from the Mayor's Task Force on Eviction Prevention and Response, including information about the local eviction landscape and recommendations on how to reduce evictions in Philadelphia.

We are hoping that the public can provide comment on this draft by **5 pm on Friday, May 11th**. Following the inclusion of the public comment, the final draft will be delivered to Mayor Kenney in June.

Feedback on this draft can be submitted to **EvictionTaskForce@phila.gov**. We also encourage attendance at the Public Comment Session on **Tuesday, May 8, 5:30-7:30, 1401 JFK Blvd Suite 1450**.

Thank you in advance for your thoughtful response to this draft report.

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 non-payment of rent, lease violations, end of a lease term, or other breakdowns in the contract between landlord and tenant. Last year in Philadelphia, over 24,000 eviction filings were recorded, representing roughly one in 14 tenants who had eviction filing against them. This does not include illegal evictions, which include forced moves by tenant harassment or illegal landlord practices. Studies from other cities indicate that this number 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 and the city more broadly.

The Mayor's Task Force on Eviction Prevention and Response was established by Mayor Jim Kenney in September of 2017. The Task Force consists of twenty-two appointed members with expertise in housing and landlord tenant issues, including representation from property owners and managers, tenants, academics and think tanks, community advocates, and City government. The Task Force also received input and ideas from over 150 individuals through focus groups, community forums, and stakeholder interviews.

Over the last seven months, the Task Force has assessed the Philadelphia eviction landscape and best practices from across the country to identify seventeen recommendations in the following areas: Education and Outreach, Resources and Supports, Housing Standards and Enforcement, and Legal Process and Policies. These areas need to be addressed to end the eviction crisis in Philadelphia.

The Task Force recommends the following:

Outreach and Education

1. The City should create a single portal for access to eviction prevention services. The capacity of existing housing counselors and of the Tenant Referral Help Line should be expanded.
2. The City should conduct a public education campaign about eviction and about safe, habitable housing. The campaign should focus on increasing knowledge of rights and responsibilities of tenants and landlords, and encouraging the use of available resources.
3. Direct outreach to tenants with an eviction filing should be increased. The intent of this outreach is to make sure tenants are aware of the eviction filing, the court date, and available resources.

Resources and Supports

4. The City should seek and preserve funding for a program to enable small landlords (those who own fewer than four rental units) to get low-interest loans to make necessary repairs to their properties, ensuring good quality affordable housing for tenants.
5. Philadelphia should run a pilot to replicate HomeBase, New York's targeted homelessness prevention program. This emergency homelessness prevention program would deploy existing funding for short-term or long-term housing subsidy.
6. The City should develop a pre-complaint resolution meeting process. This would allow tenants and landlords to engage in a fair and productive conversation prior to the filing of an eviction

complaint, providing an opportunity to negotiate issues such as repayment of rent without an eviction on the record, and without legal costs for either party.

7. The City, the Municipal Courts, and the Fair Housing Commission should share data with non-profit partners so the non-profit partner can develop a database with publicly available information about landlords and rental properties.

Housing Standards and Enforcement

8. The City should expand the use of data analysis to identify properties being rented without licenses. By using predictive models, the City can pinpoint the location of suspected unlicensed rental units.
9. The City should explore code changes to make enforcement against problematic landlords more efficient and effective, based on further study of best practices nationwide.
10. L&I and the City Law Department should expand their pilot program for inspection of and enforcement against the most problematic landlords.

Legal Process and Policies

11. City Council should pass Good Cause Eviction legislation. Good Cause evictions require landlords to provide a just or good reason prior to evicting tenants. This legislation would seek to stop evictions due to reasons of discrimination and retaliation.¹
12. The City should increase enforcement of requirements related to key rental documents. The City should increase oversight to ensure that current laws around licensing and housing quality are being met.
13. Municipal Court should set up a mandatory, pre-hearing mediation process. The intent of this process would be to give landlords and tenants time to consider their options and consult with housing counselors, before having to make important financial commitments.
14. The City should increase legal representation for low-income tenants. This would include expanding resources for legal representation from legal aid organizations' attorneys, as well as working with non-profit partners to expand recruit of volunteer lawyers.
15. The City should increase supports and provide funding for people forced to move as a result of Sheriff's Sales. This would include providing funding for moving costs and new security deposits, expanding the use of sequestration to divert tax lien properties, as well as ensuring that tenants have an adequate notice to find alternative housing.
16. The City should work with the Municipal Court to expunge eviction filings and judgments. This would decrease discrimination against tenants who have previously had an eviction filing.
17. The City should work with the Municipal Court to ensure that the Court and the mediation process are accessible to individuals who are unfamiliar with the court process.

The Task Force will present these recommendations to Mayor Jim Kenney and City Council for review and discussion. Once finalized, the implementation of these recommendations will assist in reducing eviction in Philadelphia. Relevant agencies, providers, and stakeholders have already been identified in the implementation of many of these recommendations.

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

¹ This recommendation was not unanimous, but reflects the majority of task force members.

Letter from the Task Force Co-Chairs

Philadelphia, like communities across the nation, is facing an eviction crisis. More than one in fourteen 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 a cause.

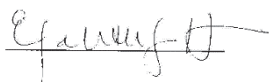
At the same time, there are property owners and managers who struggle to figure out the best way to work with tenants. These landlords, particularly small, low-income landlords, need support to address tough challenges, like the need to repair or replace costly basic systems. No one in Philadelphia – not a tenant or a landlord – considers eviction a “successful” outcome. It is an option of last resort, but still all too common. With so many dependent on rental housing, it is time to rethink eviction and create new alternatives.

In order to address this crisis in a systemic way, the Mayor 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 150 other practitioners, stakeholders, and community members to inform both 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 Mayor James F. Kenney’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 legal processes and policies, housing standards, resources and supports, and outreach and education. The recommendations are intended to identify 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.



Liz Hersch
Director
Office of Homeless Services



Mitch Little
Executive Director
Office of Community Empowerment and Opportunity

Scope of the Task Force

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

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

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

The information and recommendations assembled below was 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 that worked from other communities;
- Literature review of recommendations from other cities and policy think tanks;
- Surveys of local services and activities;
- Key informant interviews of local and national experts; and
- Analysis of local eviction data.

In an effort to drill down and develop specific solutions to the eviction crisis itself, the Task Force made the difficult but necessary decision to set aside attention to the larger challenges of the lack of affordable housing, accessible housing, rising rental prices, depressed wages, and gentrification. These important issues are the focus of upcoming plans from the Department of Planning and Development and the Office of Homeless Services. This work is expected to include examining the expansion of long-term local rental subsidies.

Eviction Defined

Eviction is an involuntary residential move initiated by a property owner or their manager due to the non-payment of rent, lease violations, end of a lease term, or other breakdowns in the contract between landlord and tenant. The Eviction 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, 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 in Philadelphia is not known, research indicates that illegal evictions occur at double the rate of legal evictions.¹

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 not only results from poverty, but also can cause it.

Some populations are affected disproportionately by eviction. The groups most likely to face eviction are Black households, households headed by women with children, and those whose members have low educational attainment.² In Milwaukee, where the problem has been most extensively studied, among evicted tenants, Black women outnumbered Black men by 1.75:1, and outnumbered white women by 6.13:1.³ In Philadelphia, populations who experience greater rates of poverty are also those who face disparate rates of eviction: African-Americans, female-led households, households with children, and people with disabilities.⁴ Given that evictions disproportionately affect socially and economically marginalized populations, the effects of evictions are severe, and may trigger protracted instability and homelessness. This is discussed in more detail in the section on the landscape of eviction.

While many people who are evicted do not become homeless, eviction can be a direct cause of homelessness. It is a pattern seen repeated throughout the country. In New York City, shelter applications indicate the top reason for families to seek shelter was eviction (29%).⁵ Similarly, in Santa Cruz, California, the most frequently reported cause of homelessness among families with children was eviction (30%).⁶ In San Francisco, 13% of survey respondents reported eviction as the primary cause of their homelessness, and 6% of reported an eviction record as the cause preventing them from obtaining housing.⁷

Homelessness is not the only possible harmful consequence of eviction. Studies show that eviction can also have negative psychological, medical, and social consequences. Mothers who were evicted were more likely to report depression, scored higher for parenting stress, and were twice as likely to report that their child was in poor health.⁸ Forced moves and residential instability are also associated with adverse childhood experiences, lower school achievement, increased health risks for children, increased adolescent violence, and increased rates of depression.⁹ Additionally, housing loss increases the probability of job loss, which in turn makes affordable housing even more difficult to find.¹⁰ When evicted individuals or families do find new housing, they may be forced to move to neighborhoods with higher poverty and crime rates than those who move voluntarily, while also living in substandard conditions and often paying the same or more than for the property they left.¹¹

These studies echo what was heard in local focus groups and public comment forums held in the past year. The Task Force has 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 an eviction filing is the Municipal Court's data, a record of the filing is visible to the tenant's next potential landlord, either directly or through a screening service, and an outstanding judgment may also affect the tenant's credit score.

Evictions are also harmful to the communities from which people are evicted. High eviction rates create rapid turnover of households, making it difficult to maintain the social fabric and cohesion of a community.¹²

Causes of Evictions

The causes of evictions are broad and often complex. Often at the core of the eviction issue, and housing stability in general, is a lack of affordable housing. In Philadelphia, for every 100 extremely low-income renter households, there are only 34 affordable units available.¹³ As mentioned above, addressing the lack of affordable housing will be a key focus in the Department of Planning & Development's upcoming Housing Plan. However, the housing affordability crisis does not cover the full landscape of why evictions occur.

Nonpayment of rent is the most common reason landlords cite for eviction, cited in 95% of cases, and cited exclusively in 67% of cases.¹⁴ For many landlords, non-payment of rent means being unable to pay the loan repayments, and could result in the loss of the property. While nonpayment can occur because the tenant does not have enough money for rent, sometimes nonpayment is cited when a tenant withholds rent for some other reason. For example, withholding rent could be the tenant's response to the poor condition of the housing. 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, 21% of eviction cases filed in Philadelphia related to a property where a code violation was assessed within the last year.¹⁵

Habitability issues can indirectly lead to non-payment as well. Issues such as mold, leaky roofs, pests, lack of heat or water, can place financial strain on an individual. As a result of unsafe living conditions, tenants may incur medical expenses, legal expenses, higher utility cost, or have to take off work to tend to these problems. For a low-income tenant, these expenses can cause them to fall behind on rent. There are many reasons that landlords might not make repairs. They may not be able to afford to, they might not know which repairs are their responsibility, they may believe that the repairs needed are a result of misuse by the tenant, or they 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 or uninhabitable living conditions.

Another cause of eviction is retaliation. 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, or by filing a complaint with the Fair Housing Commission. The landlord then responds by filing an eviction complaint in Municipal Court. State law does not contain any broad protections for tenants against retaliatory evictions, but Philadelphia's Fair Housing Ordinance does prohibit such actions. Though anti-retaliation laws exist, they often require proving the landlord's motive for not renewing the lease, which can be difficult to discern, 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 highly at-risk 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, and although they may not directly cause an eviction to initiate, they may serve as a barrier to a successful resolution. These factors include lack of understanding of the process, difficulty navigating rigid bureaucracies, and a lack of legal representation.

In focus groups and through other testimonials, tenants expressed feeling intimidated and confused throughout the eviction process. The environment of landlord-tenant court, which is very familiar to the landlord attorneys who are frequently in landlord-tenant court, 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. Missing the hearing (or arriving late) is likely to result in a default judgment automatically entered against them.

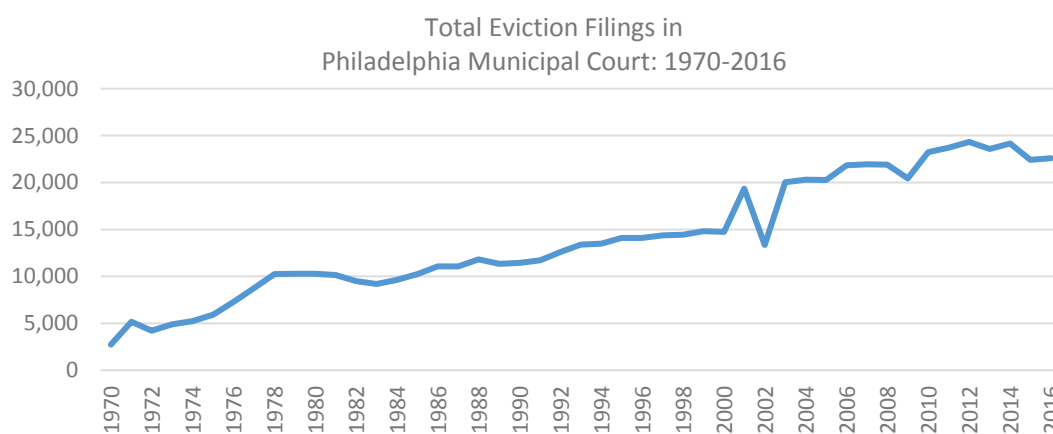
This eviction process can be most adverse for tenants when, as is often true, the landlord has legal representation and the tenant does not. Of eviction lawsuits in Municipal Court in 2016, landlords were

represented 81% of the time, while tenants were represented in 8.5% of cases. Cases where only the landlord had legal representation constituted 74% of all cases in 2016.

	Cases ¹⁶	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

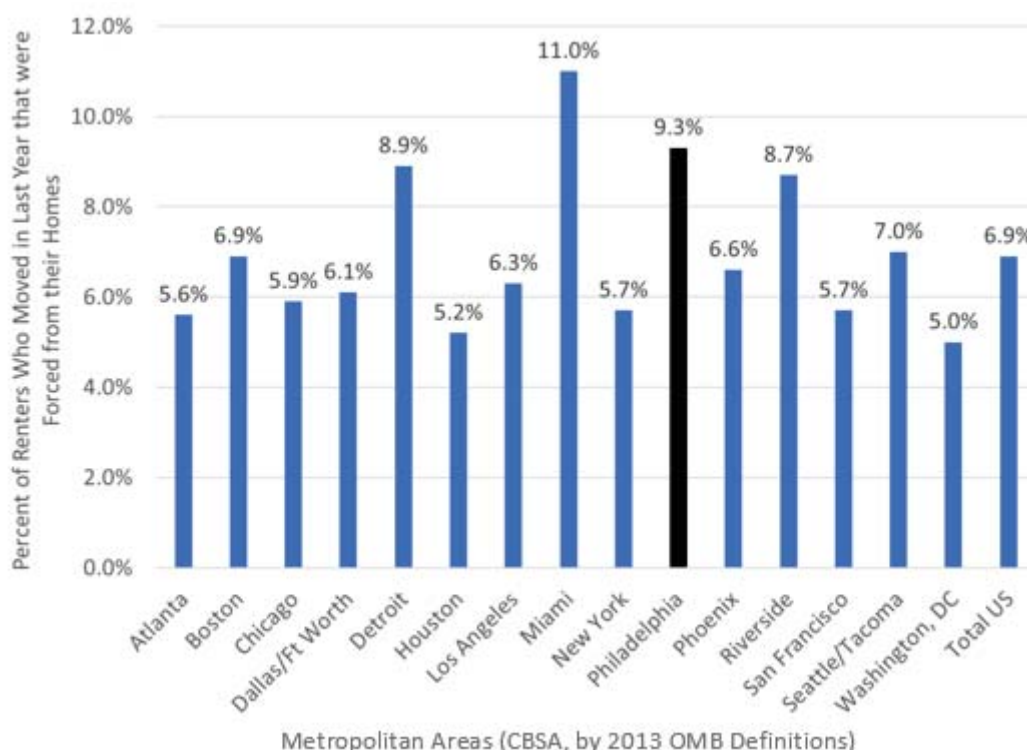
The magnitude of eviction filings, the number of people evicted, and the direction of the trend in Philadelphia are cause for alarm. In 2016 alone, over 22,500 landlord-tenant cases were filed in Municipal Court, representing about one in 14 renters. Eviction filings have been on an upward trend since the 1970s, hovering at or above 20,000 filings each year since 2003.¹⁷ In addition, based on feedback from focus groups, illegal evictions, where a landlord forces a tenant to move using the Municipal Court, occur in Philadelphia on a regular basis. While no formal measure for Philadelphia exists, in Milwaukee, illegal evictions occur twice as often as legal evictions.¹⁸ If applicable to Philadelphia, this statistic would mean eviction-related actions in Philadelphia affect close to 66,000 households (or one in 5 renters).



Note: the drop in filings in 2002 corresponds to a change in reporting.

In the Philadelphia metropolitan area, forced moves affect 9.3% of all renters. In comparison to the other major U.S. cities for which data are available, in 2015, the Philadelphia area ranked second only to the Miami region in the share of displaced renters.

Percent of Renters Forced from their Home: 2015

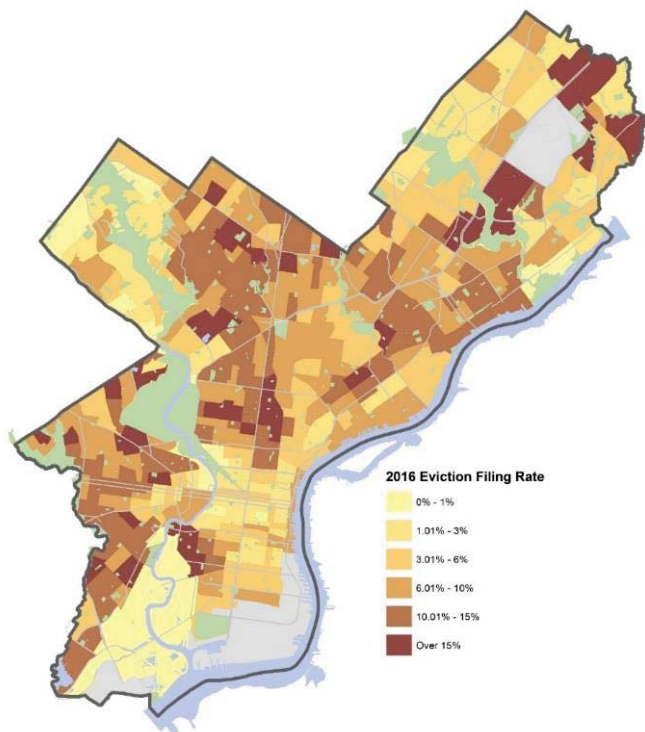


In the Philadelphia metropolitan region, low-income renters are more likely to be displaced (14%) than moderate and higher income households (12% and 4% respectively), Black households (13%) are more likely than white households (9%), households with children (16%) are more 2.5 times more likely than households without children (6%), and persons with disabilities (12%) are more likely to be displaced than able-bodied householders (9%).¹⁹

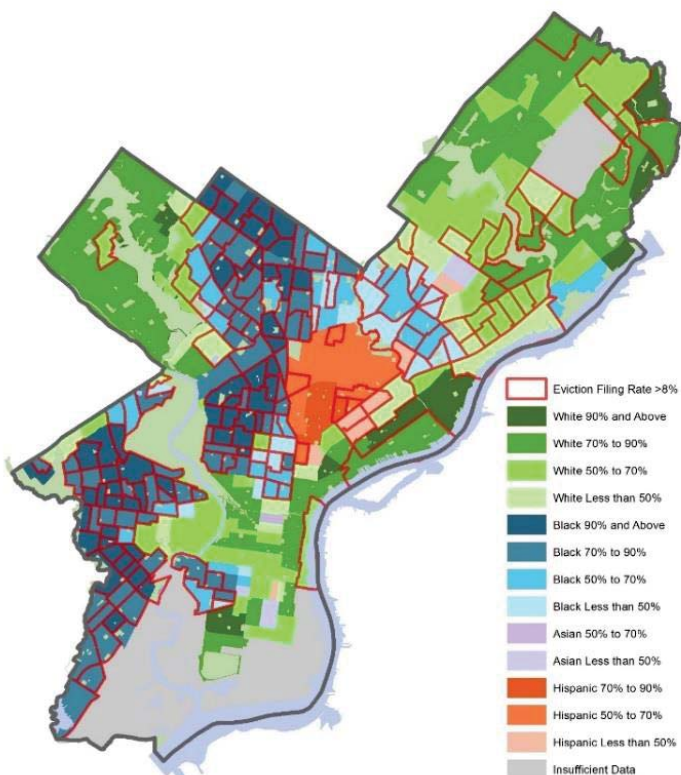
The highest prevalence of eviction filings involves tenants from high poverty and predominantly Black neighborhoods. The eviction rate is relatively low in more affluent, predominately white neighborhoods such as Center City, Chestnut Hill and areas of West Philadelphia adjacent to the University of Pennsylvania and Drexel University. A 2016 study by researchers at the Reinvestment Fund found that even controlling for neighborhood median income and the frequency of rental housing, evictions were more likely to occur in predominantly Black neighborhoods. For each percentage point increase in the percent Black residents in a Census tract, the eviction rate increased 0.36%.

Other at-risk groups also see a disproportionate rate of evictions. In a recent national survey, approximately 11% of all transgender and gender non-conforming respondents and 37% of African American transgender and non-conforming respondents reported being evicted at some point in their lives. Similarly, focus groups indicate that immigrants and refugees rarely make it into 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.

Rate of Eviction Filings by Census Tract, 2016



Areas with Above-Average Eviction Rates by Predominant Race and Ethnicity, 2016²⁰



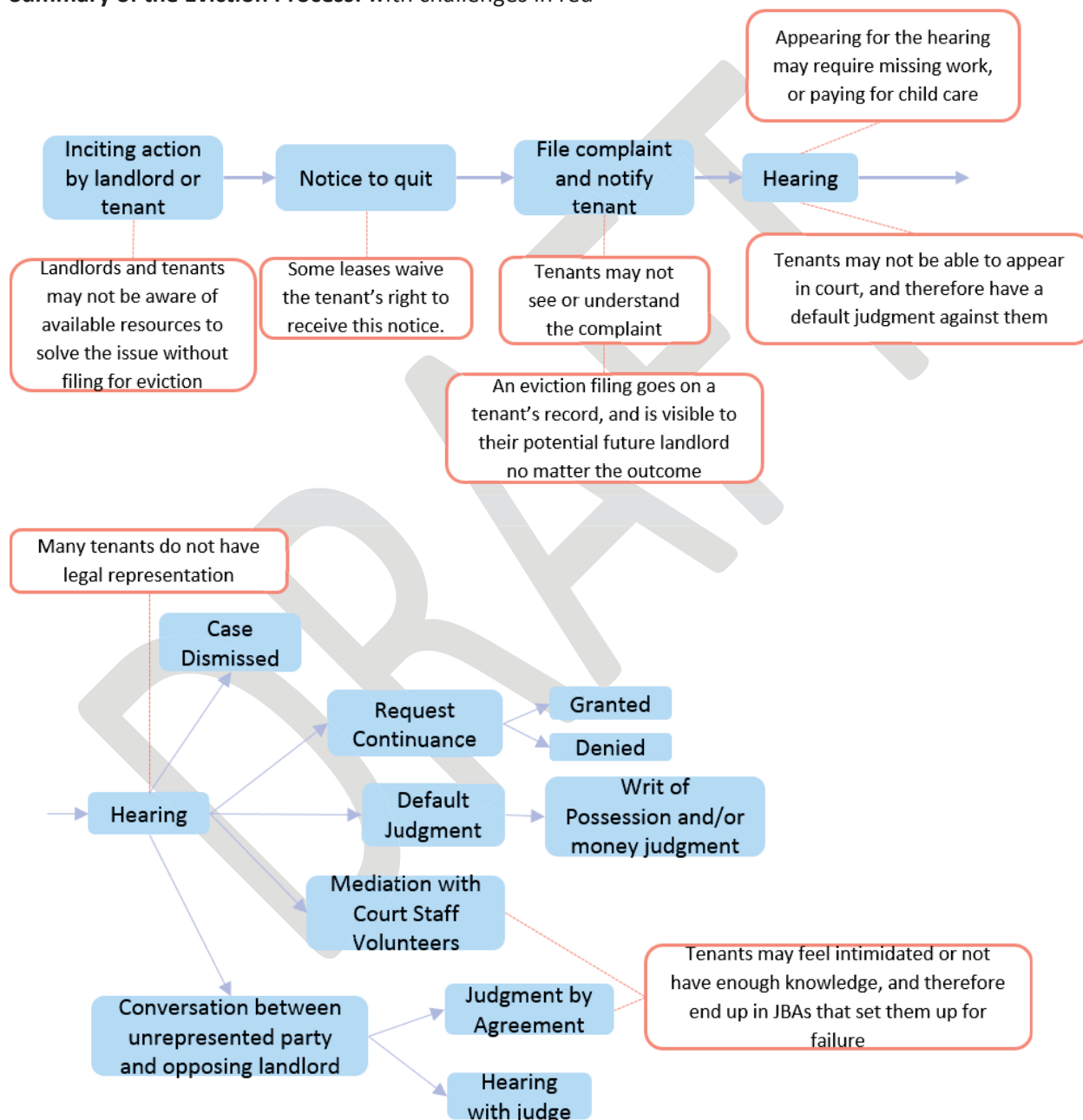
Legal Processes and Protections

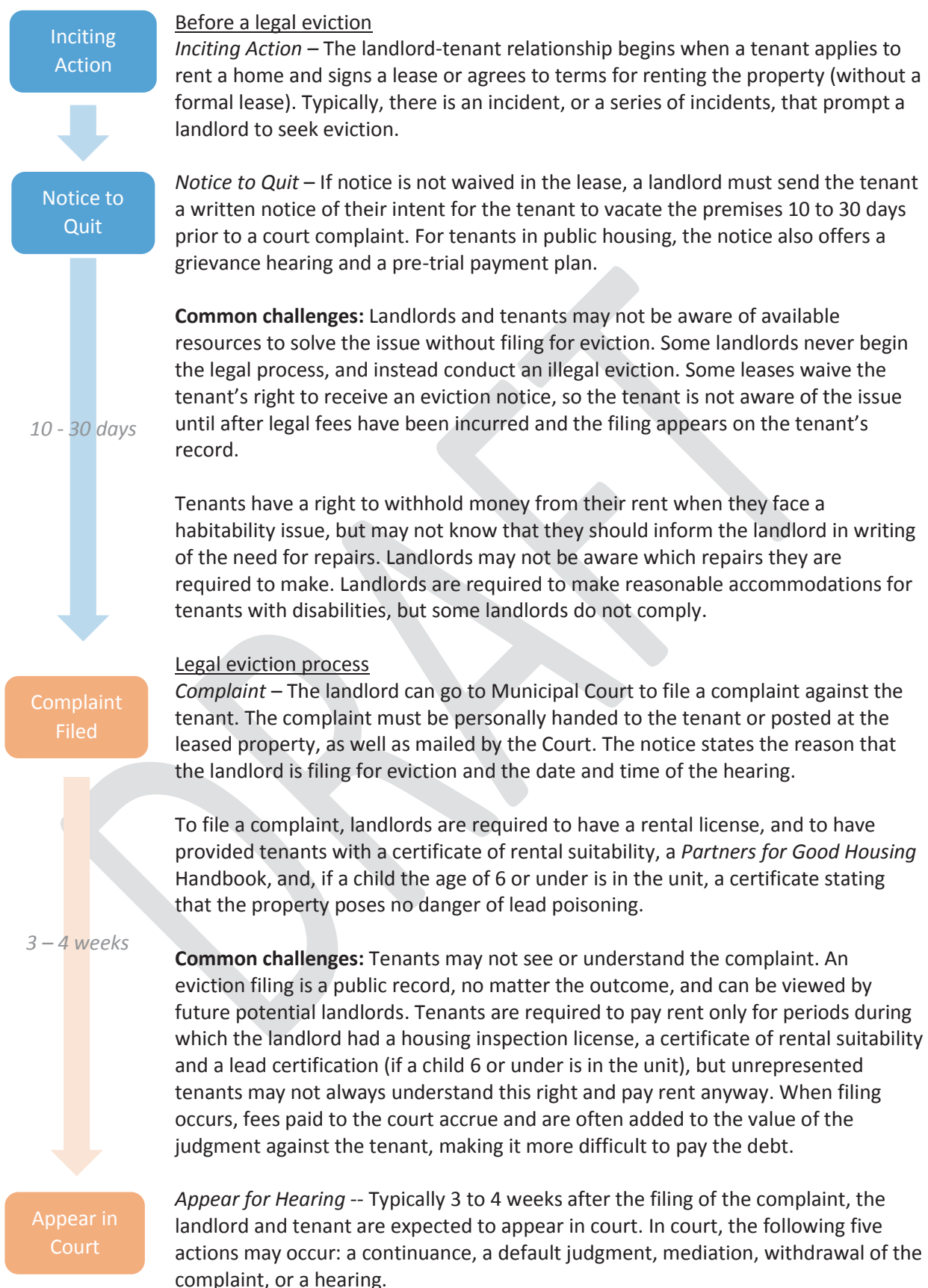
The Process of Eviction

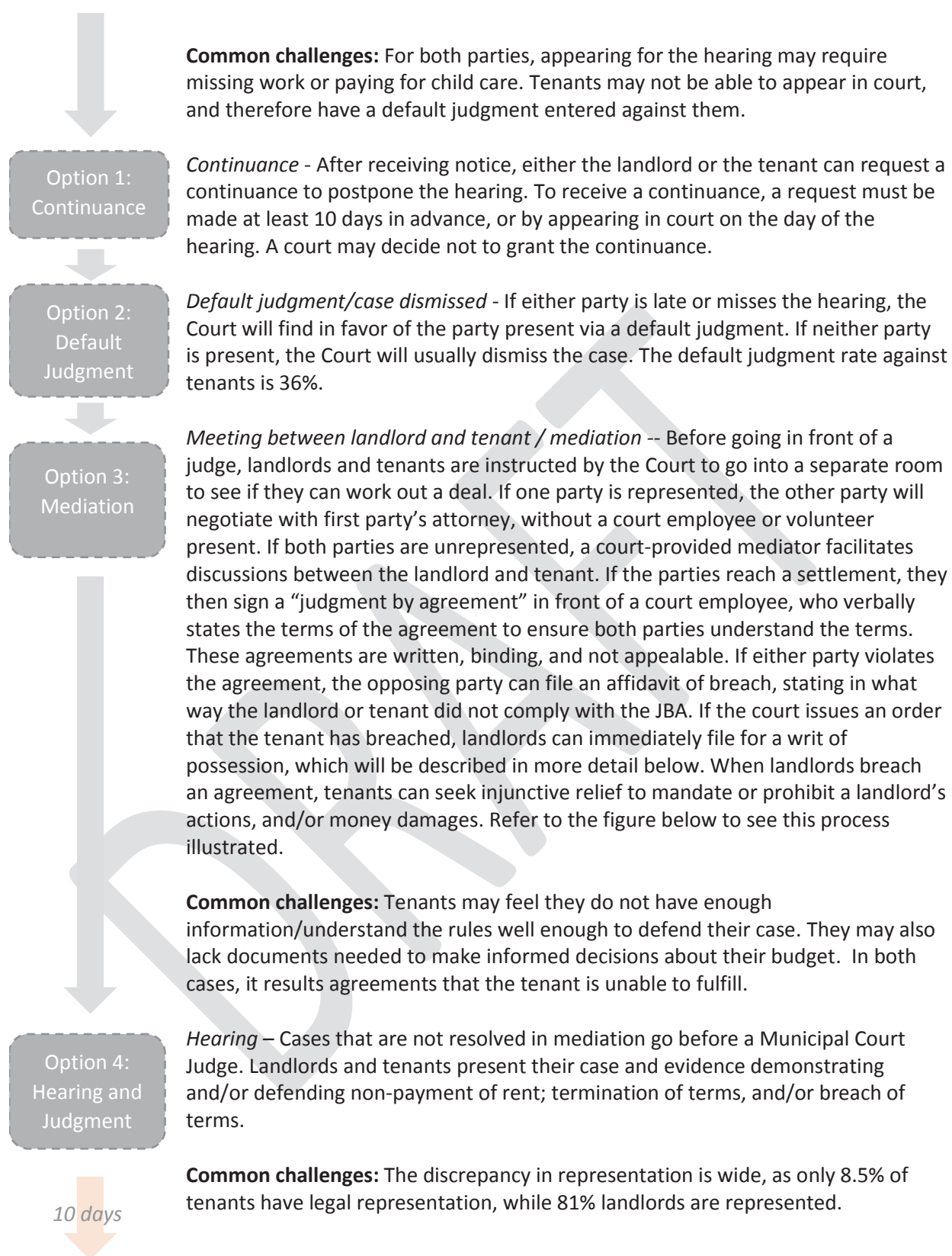
Understanding how to address our eviction challenge begins with examining the process of eviction. The following is an overview of the process of eviction, with common challenges noted where applicable.

This is not intended to provide all of the details of the complexities of the legal process, but instead is a simplified summary, highlighting the major steps.

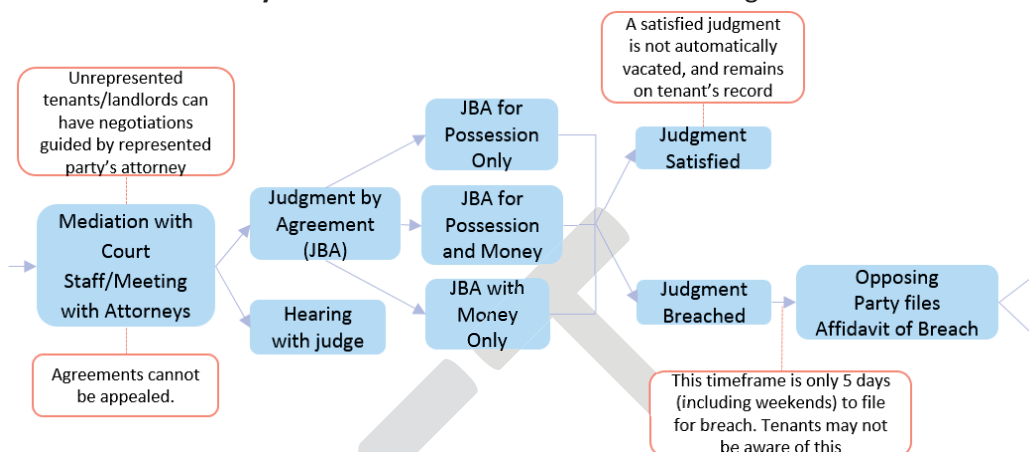
Summary of the Eviction Process: with challenges in red







Summary of the Mediation Process: with challenges in red



Appeal

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, as long as the tenant files, the court approves a supersedeas to allow 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 file an appeal without legal counsel.

Request for Possession

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.

11 days

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

Removal from Property

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 or 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.

State Laws and Rules Related to Eviction

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 created the modern eviction process in Pennsylvania. It also lays out the circumstances under which a landlord may evict a tenant: termination of term, breach of lease condition, failure to pay rent. It also details the eviction procedure, mandating that landlords first send a notice to quit, then file and serve the eviction complaint on tenants, and then, if successful in landlord-tenant court, obtaining a writ of possession for the property. The Act also provides tenants the right to appeal a judgment against them to their county court of common pleas.

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. The court noted that the modern tenant was not simply leasing land or shelter with "merely walls and ceilings," but a package of services which included "adequate heat, light and ventilation, serviceable plumbing facilities, secure windows and doors, proper sanitation, and proper maintenance."²¹

The Fair Housing Ordinance and the Fair Housing Commission

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

The Fair Housing Ordinance also contains protections for victims of domestic or sexual violence. Landlords are prohibited 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, on 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.²² The FHC is comprised of five Commissioners appointed by the Mayor.

Complaint -- 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 the complaint form. There is no fee to file a FHC complaint. In order to file a complaint, the tenant must be current with their rent or have rent saved in a withholding account.

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

Hearing -- Once a complaint is accepted, the FHC provides a written notice to the tenant and landlord that states the date of the hearing and the basis of the complaint. At the hearing before the FHC's Commissioners, both the 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.

Judgment/Remedy -- 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. The FHC often requires landlords to make repairs to close any open L&I violations. 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. Any appeals from FHC decisions are taken to the Court of Common Pleas.

Legal Requirements

Tenant Obligations

Tenants are responsible for complying with the terms agreed upon in the lease. 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 intentionally occur. Tenants should also refrain from behavior that interferes with the use, comfort, health, safety, or quiet enjoyment of the property by other occupants.²³ 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 a lead safe or lead free certification if the property was constructed prior to 1978 and there are children 6 or under present²⁴, and 4) comply with the lead and smoking disclosure laws.

Landlords are required to maintain their properties in habitable conditions. This includes heat, a working kitchen, a working bathroom, running water and hot water. A detailed list of what is required to maintain habitability is available in the 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 gets to reclaim the money in the withholding account and may begin the process again. Tenants are also legally allowed to make repairs to the property if it is an issue of habitability, and deduct the cost from their rent payment. 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.

Tenants are also 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.

In Philadelphia, it is 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).²⁵

Lease Agreement

Leases are contracts that are binding for all parties. The terms of the lease govern the relationship between the parties throughout the lease term. A lease does not need to be in writing. It can be created orally or in practice (i.e. each month a tenant pays rent to the landlord who collects it). Regardless of its form, a lease generally sets the amount of rent, the term or length of the lease, the number of occupants, and who pays for which utilities. Property owners are also required to provide new tenants with a copy of the “City of Philadelphia Partners for Good Housing” brochure issued by Licenses and Inspections and a lead hazard information pamphlet issued by the Philadelphia Department of Public Health.

As noted previously (in the *Notice to Quit* section) to terminate a lease and proceed with eviction a tenant, landlords are required by law to provide a written notice to vacate before they can file for eviction. However, many leases have provisions waiving this right.

Property Foreclosure

If a property is going through foreclosure or Sheriff’s Sale, state law requires that any lease between tenant and landlord terminates, with very few exceptions. The bank or new owner may file for an Ejectment in the Court of Common Pleas. 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. However, if a property is sold by the owner instead of foreclosed on, the new owner is required to honor the existing lease agreement.

The Philadelphia Department of Revenue manages the identification properties to go to Sheriff’s Sale in the case of tax delinquency. In the case of rental properties, the department uses sequestration as a tool prior to pursuing foreclosure. Sequestration means that a third party takes legal possession of the rental property that is tax delinquent until the debt has been paid.

Existing Supportive Services

There is a wide range of resources available to tenants facing eviction, including counseling, education, financial assistance, and legal representation. However, as mentioned above, disparate eligibility requirements, gaps in geographic coverage, lack of knowledge about available resources, and significant supply limitations result in an uncoordinated 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 available in Appendix IV.

Pre-Eviction Phase: Prevention & De-escalation

Preventative interventions target the factors that can trigger a housing dispute. 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, can provide an opportunity for tenants to avoid having a public eviction filing, and can reduce the load on the legal system.

Housing Counseling – A network of 28 DHCD-funded housing counseling agencies provides individual guidance and service around a variety of housing-related concerns. Typically, these services include an intake process with benefits screening, a family financial analysis, referrals, goal setting, and basic tenant’s rights education. However, most housing counseling agencies focus on homeowners, not on renters. The capacity of housing counseling agencies to provide directly renter-specific services varies. Only 1 of the 28 counseling agencies provides services geared specifically to tenants.

Education – Tenant-specific education, both financial and legal, is concentrated within a relatively few agencies. Workshops on tenants’ rights and responsibilities are conducted daily, serving approximately 2,500 people in 2016. Some proactive programs offer training 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 and are therefore limited in their capacity to ultimately prevent a conflict. There is also a Tenant Referral Hotline, which is coordinated by legal services and tenant advocate organizations, and 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 scan of providers. Workshops for landlords tend to be episodic and are hosted by an array of professional associations and private legal firms with no easy way to find out about them.

Emergency Financial Assistance – Direct financial assistance is sometimes available to help tenants who are behind on rent. In 2016, the City offered approximately \$1.5 million to almost 300 tenants for the payment of housing-related arrears. Of the 22,588 eviction cases filed in Municipal Court in 2016, 95% were, according to the landlord, due to nonpayment of rent, and the average arrears filed against a tenant were \$1,891. As noted often in focus groups, 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. These factors may pose access barriers to tenants.

Utility assistance programs tend to subsidize or standardize monthly utility payments for residents who demonstrate income-based need. Programs like LIHEAP (PA Department of Human Services), Customer Assistance Program (PECO), Customer Responsibility Program (Philadelphia Gas Works), and Tiered Assistance Program (Philadelphia Water Department)²⁶ 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 sometimes be difficult to access without assistance from the landlord.

Post-Eviction Filing Phase: *Representation & Advice*

Direct financial assistance at this stage benefits tenants in repaying arrears, money judgments or entering ‘pay and stay’ agreements.

Legal Representation – In Philadelphia, 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 remains unmet.

Philadelphia Eviction Prevention Project -- Through a new \$500,000 investment through support from City Council, the City and several partners were able to launch new initiative, the Philadelphia Eviction Prevention Project, to expanded access to legal services and information. Services include information and connection to legal services inside Landlord-Tenant Court, direct legal representation of tenants, and access to financial counseling. This project will also test solutions to systemic challenges, such as streamlining intake and referral to different legal services and further engaging housing counselors in supporting tenants. These services are expected to serve over 1,800 people (through legal representation, brief advice, or a phone call) between January and July of 2018. More information is available about this project in Appendix V.

Post-Eviction Phase: Response and Transition

Emergency Housing – The shelter system provides emergency housing to individuals year-round in Philadelphia. In addition, the City’s rapid rehousing programs provide security deposit and rent payments for up to a year.

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 rather than just the symptom
- Focusing on long term stability

New York City HomeBase - For example, New York’s HomeBase program, operated out of the New York City government as part of their homelessness prevention effort, offers financial assistance and budgeting assistance, housing court assistance, and case management. The combination and level of services received is dependent on the particular needs of each client. HomeBase’s work is based in targeted service provision, and focused 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 FY16, 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.²⁷

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.

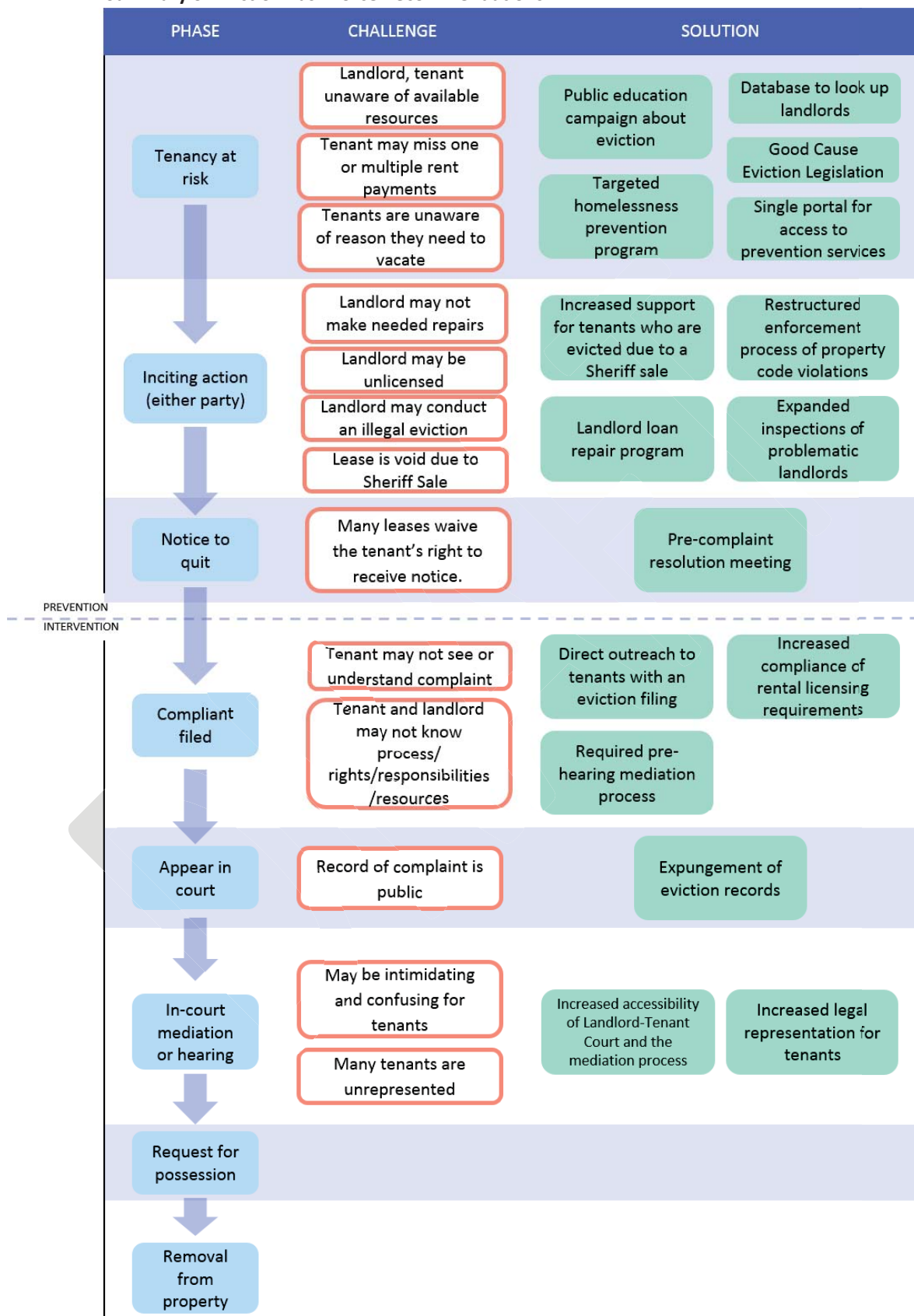
Philadelphia Mortgage Foreclosure Diversion Program - While the eviction crisis and the mortgage foreclosure crisis of 2008 cannot be compared directly, Philadelphia's Residential Mortgage Foreclosure Diversion Program provides a local example of an intervention that works through ongoing negotiation. In this program, when a foreclosure complaint is filed by the lender, the case is diverted from normal court proceedings. Instead, the homeowner is 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 a conciliation conference, in which advocates for both the homeowner and the lender come together to attempt to resolve the complaint. The program's success is partly due to the presence of well-informed advisers for unrepresented homeowners. Between its inception and 2014, the Diversion 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.²⁸ Therefore, the program provides important lessons that can be integrated into Philadelphia's eviction prevention work.

Challenges Identified

As described in the prior sections, based on the feedback gathered through focus groups, Task Force meetings, a public comment session, 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/or mitigate eviction are fragmented and do not meet the demand for services, prompting the need for both expanded and better coordinated **support systems**.
3. Landlords may not be compliant with basic standards for housing, including standards relating to leases, property condition, licensing and other regulatory requirements, prompting the need for ways to incentivize and enforce 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**.

Summary of Eviction Task Force Recommendations



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 recommendations 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 services.

1. *Create a single portal for access to eviction prevention services.*

The City should expand the existing Tenant Referral Helpline and the housing counseling network to become a centralized portal for comprehensive information about eviction resources and housing supports with both in-person and telephonic access. These expanded resources would reduce confusion on how to find help, and connect people to education, information, and services that can address issues before they become crises. Housing counselors and help line operators, either directly or through warm 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.
- Instruct tenants on how and when to legally withhold rent when a landlord fails to make repairs, and direct tenants to a system for setting aside withheld rent.
- Provide brief financial counseling to help tenants think about their housing budget and potential repayment options.
- Provide guidance and coaching 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, etc.).
- Schedule appointments to meet with a housing counselor, financial counselor, or legal aid, or attend a tenant or landlord resources class.
- Provide information on the process for taking legal action in the Court of Common Pleas to require landlords to make repairs.
- Provide updated information about available housing subsidies and short-term rental assistance.
- When tenants are applying for housing subsidies and rental assistance, assess eligibility and provide support throughout the application process.

The help line 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 translation 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 help line 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 of tenants and landlords, and encourage the use of the Tenant Referral Helpline and housing counseling services. This campaign should recognize eviction as a common

problem, with a goal of reducing the stigma around it and encouraging both landlords and tenants to seek help.

As part of this campaign, the City should:

- Promote existing eviction prevention services and resources by encouraging tenants to call the Tenant Referral Helpline or visit a Housing Counselor
- 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. Update the resource card given by the police to tenants at the scene of a dispute with a landlord.
- 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 may also include a second point of contact in the case of non-payment (separate from a co-signer).
- Advertise and raise awareness about simple but impactful acts, such as the importance of showing up for a court hearing.

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

3. *Expand direct outreach to tenants with an eviction filing.*

The City and the Municipal Court should work together to improve efforts to connect with tenants who have an eviction action filed against them in Landlord-Tenant Court. Currently, tenants who are served with an eviction filing receive a list of resources in the mail along with the notice of the eviction filing. However, many tenants indicate they do not receive the notice, are unsure what the filing information means, or have difficulty making sense of the resource information. The City should conduct a pilot focused on tenants in areas determined to have high rates of evictions that have an eviction action filed against them to be the target of additional outreach, such as additional mailings, telephone calls, robo-calls, and door knocking. The intent of this outreach would be to make sure they are aware of the eviction filing and their court date, direct them to the Tenant Referral Help Line in order to connect them to resources, and prepare them to either come to an agreement with the landlord or to go to court. If the pilot demonstrates these efforts can meaningfully reduce the number of people who are forced to move, the initiative could be expanded citywide.

Resources and Supports

In addition to a lack of awareness of existing resources, there are gaps in the resources needed to address the issues that lead to eviction. 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 properties.

4. *Enable small landlords to make repairs to existing rental housing.*

The City should launch a program to enable small landlords (those who own fewer than four rental units) to get low-interest loans to make necessary repairs to their properties. Traditional lenders are reluctant to allow smaller landlords to borrow small amounts of money (less than \$25,000), which leaves well-intentioned landlords without the resources needed to maintain their property. 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. This improvement of the unit aims to promote stabilization of the landlord-tenant relationship. Without ongoing property maintenance issues in the unit, the chances of eviction lessen. There would also need to be several conditions on the loan to ensure the program is preserving safe and affordable housing, including annual inspections and restrictions on rent increases.

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 with the goal of expanding short-term or long-term housing subsidy in order to reduce shelter usage. This new program should:

- Pilot this HomeBase approach in a limited geographic area with the goal of expanding subsidy resources while decreasing the need for shelter.
- 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.
- Scale funding to match the needs of the family.
- Connect the housing assistance resources to a requirement to use other services, such as financial counseling and case management.
- Evaluate the impact of the program to determine whether it should be expanded.

6. *Set up a pre-complaint resolution process.*

Using the Philadelphia Commission on Human Relations or another mediation organization, the City should develop a process for pre-complaint resolution meetings. Many landlords and tenants expressed frustration about being unable to engage in a fair and productive conversation prior to the filing of an eviction complaint. A pre-complaint resolution process would be an opportunity to negotiate repayment of rent without an eviction on the record or added legal costs. This program could build from a current initiative of the Human Relations Commission to settle neighbor to neighbor disputes, and could use the PHA's pre-trial resolution opportunities as a model. The resolution meeting should include housing and financial counseling for tenants participating. The initiative should also pilot telephonic resolution support for those who cannot be present in person.

7. *Develop a database to look up landlords.*

The City should work with the Municipal Courts, the Fair Housing Commission, and non-profit partners to develop a database with publicly available information about landlords and rental properties. Much of this data is publicly available today, but it is not integrated in order to streamline the process of collecting the information. The City (including L&I and the Fair Housing Commission) and the Municipal Court could use the Open Data Philly platform to provide code

violation, eviction filing, and fair housing complaint information in an easily integrated format. This information could be used to develop a web accessible database that would help make it simpler to identify 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. Over time, this database could be expanded to provide additional information such as lead safety certification information (if lead safety requirements are expanded citywide) or the sites of illegal evictions.

This database should also create a one step, easily printable form for tenants to get—in a manner presentable for Municipal Court—status reports on all relevant city information at the property, including the license, including all 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 Safety Certificate (when available).

Housing Standards and Enforcement

Rental units in the city are in violation of local housing standards, with varying degrees of habitability issues, such as a lack of heat or a leaking roof. These code violations often 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 the Philadelphia Code, and create appropriate consequences for non-compliant landlords and repeat offenders.

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

The City should use cross-agency data to identify properties being rented without a rental license to decrease the number of landlords out of compliance with City requirements. The City issues approximately 80,000 rental licenses covering 220,000 rental units each year, meaning that approximately 80% of the estimated rental units in the City are properly licensed. 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 that should result in administrative penalties. Rental licenses, or the lack thereof, are also a critical piece of the landlord-tenant relationship, especially implicating the withholding of rent and the ability to file eviction actions. The City should use predictive models to pinpoint the location of suspected unlicensed rental units – focusing on multi-family and higher-risk occupancies – and to identify chronically non-compliant landlords. This includes:

- Using available utility data to identify properties where payments are made in names other than the property owner. 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 non-compliant.
- Explore using IRS data to identify additional rental properties.

Once the non-compliant landlords have been identified, the City should use this information to outreach to the landlords and issue violation notices.

9. Explore changes to the Philadelphia Code to strengthen enforcement of code violations.

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. Creating a penalty for inaccurate information will therefore improve the effectiveness of enforcement in these landlords have uncomplied code violations.
- Requiring property owners to report changes in occupancy to City (i.e., an affidavit of non-rental for previously licensed rental properties or a vacant property license for a newly-vacant rental property) within thirty days, including if the landlord decides to cease renting the property. This will allow the City to more effectively identify landlords who let their rental licenses lapse, and to conduct administrative enforcement with actual consequences against suspected unlicensed landlords.
- 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.

10. 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 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 a chronically non-compliant owner -- 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 that particular owner 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.

Legal Process & Policies

The legal process is often daunting for tenants, and legal protections are at times inadequate to protect tenants from forced moves even when the tenant plays 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.

11. Pass law to limit evictions of tenants to good causes.

The majority of 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 in evicting the tenant. Discrimination and retaliation cases typically fall into this category. This is extremely

difficult to do when there is no obligation for a landlord to disclose the reason a lease is being terminated at the end of its term. The result is that these tenant protections are rarely enforced, particularly for verbal month to month leases which are very common among low-income tenants. As a practical matter, landlords infrequently terminate a lease and take a tenant to court for “no reason”. 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 prevent 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 immediate family is going to move in
- Tenant refuses the landlord access to the unit for lawful purposes
- 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, and reduce the availability of affordable housing in Philadelphia. Termination of the lease is seen by some landlords as a needed 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.

12. Increase enforcement of requirements related to key rental documents.

The City should work with its partners to increase oversight to ensure that current laws around licensing and housing quality are being met. A landlord is required to deliver the following documents to the tenant: rental licenses, the certificate of rental suitability, the lead safety certificate, 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 and the Court provides information to the landlord and tenant about the requirement. However, the tenant is not always aware of what it means for their case. These changes 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 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 related to this issue, such as the notice of non-compliance, to improve its 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 proof of service, and lead safe certification issues, and to discuss 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 Judgments by Agreement with tenants to ensure their understanding of the terms and what period they are legally required 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 non-compliance.
- The City should require that landlords document the delivery to the tenant of the Certificate of Rental Suitability, the Partners for Good Housing handbook, and the lead safety 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 send an 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.

13. Set up a mandatory, pre-hearing mediation process.

The Task Force recommends that the Municipal Court launch a pilot to create a mandatory, pre-hearing mediation process after a complaint is filed. The Municipal Court could require all parties involved in the complaint to participate in a mediation process prior to the date of the court hearing. Alternatively, it could ask the tenant separately to attend a session to get more information about resources and requirements prior to their hearing date. The intent of this process would be to give landlords and tenants time to consider their options and consult with housing counselors, before having to make the immediate decision of how to proceed as is required in the existing process, reducing the number of agreements that are breached. The City should work with non-profit partners to provide key resources such as housing and financial counselors at the proceedings in order to ensure that the tenants can evaluate their options and develop a repayment plan that they can afford. The Courts expressed concern that individuals would prefer not to have to attend Court twice, because of the time it takes, so this pilot would be carefully evaluated for impact and could test different approaches.

14. Increase legal representation for low-income tenants.

The City should increase legal representation for tenants by expanding resources for legal aid organizations' attorneys, as well as by working with non-profit 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 court room should be made permanent and expanded, including by making a "Lawyer of the Day" available during hearings in Municipal Court.

15. Increase support for tenants who are evicted due to a Sheriff's Sale.

The City should provide funding for people forced to move as a result of Sheriff's Sales, including funding for moving costs and new security deposits, as well as ensure that tenants have an adequate time to find alternative housing. The City should also explore ways to reduce the number of rental properties that go to Sheriff's Sale as a result of tax liens.

As mentioned earlier in this report, Pennsylvania law states that if a property is sold at Sheriff's Sale as a result of a tax lien or mortgage foreclosure, the new owner is not required to honor any existing agreements on the property, including leases. As a result, longtime tenants may be ejected by a court order, even if they have never missed a rent payment. Because of the time it

takes for the new owner to record their deed and commence ejectment proceedings, the tenant may also be forced out before an ejectment, through harassment and threats.

There needs to be more information shared with tenants, fewer disruptions in leases, and more enforcement of existing protections. The Sheriff's Office should establish whether a property slated to be sold is a rental property, and share this information with a non-profit partner. The non-profit should then ensure that tenants specifically are notified when a property goes to Sheriff's Sale. This notification should also include a number to call on the posted foreclosure notice for renters who will be affected by the sale.

The City should also explore using information gathered through efforts to identify unlicensed rental properties to divert tax delinquent rental properties from Sheriff's Sale in favor of the use of sequestration.

In addition, when a property is sold, tenants have a right to stay in the property for the 90-day right of redemption period following the sale. To enforce this right, the City should work with non-profit partners to expand access to legal representation of tenants in tax-foreclosed properties. The Sheriff's Office should also work with a non-profit partner to educate purchasers at Sheriff's Sale about the right of redemption as it applies to tenants. Sheriff's Sale purchasers who have a history of harassing occupants after the purchase should be prohibited from bidding on any properties in the future.

16. Expunge eviction records.

The City and its partners should advocate for state legislation to enable the expungement of eviction filings and judgments after a period of three years or one year after a judgment is satisfied. 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. If the Municipal Court were able to expunge eviction court records after a reasonable period of time, it would prevent tenants from being unfairly discriminated against. If the tenant wins the case or if the case is withdrawn, the new state law should allow the record of the complaint to be automatically and immediately expunged. Tenant attorneys should be encouraged, in agreements that come out of negotiation, to include in all agreement that the judgment will be vacated and then expunged when the terms are satisfied.

The Municipal Court should, pursuant to the Public Access Policy of the Unified Judicial System of Pennsylvania, explore redacting the tenant's address (except for zip code) on the docket web site and in any bulk data it provides to third parties, so that only the parties to a case and the parties' 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 the Court and the proposed court-led mediation process are accessible to individuals who are unfamiliar with the court process and 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.
- The launch of a pilot to increase the presence of trained court-employed mediators to include all negotiations in which either party is unrepresented. Currently a court mediator is only present when neither party is represented. The pilot would determine if it improves outcomes for the process, and then could be expanded further if proven successful.
- Increase ease of obtaining translators and interpreters, especially for American Sign Language. Ensure that translators are available even when a family member is acting as a translator, as the family member may not be able to translate the necessary legal language.
- Train municipal court staff to address the needs of special populations, particularly tenants and landlords with disabilities, LGBTQ (specifically, transgender) 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, the mediation rooms, and waiting areas to explain the process.

Moving Forward: Implementation, Monitoring, and Evaluation

This report makes recommendations that together have the potential to dramatically reduce the number of tenants – both individuals and families – that are forced to leave their homes. However, to realize their full impact, a large number of organizations and systems must work together to implement change. 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 action steps completed through the collective work of the City government, City Council and other elected officials, Courts, attorneys, non-profits, 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 non-governmental 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 non-profit 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. Therefore, the Task Force recommends that this table, with adjusted membership, serve as the clearinghouse and leadership for implementation.

As part of monitoring progress around 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 to determine how to use data to advance the recommendations, and to understand the impact of the work.

The Housing Security Work Group should:

- Identify ways they 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 non-profit agencies to identify barriers and opportunities to leverage existing resources, provide information to tenants and landlords, and connect individuals to critical services.

In the interim, the Task Force recommends the use of the following core metrics to monitor progress:

1. Eviction filing²⁹ rate (# eviction filings in Municipal Court/total # renter occupied units)
2. Eviction execution rate (# requests for possession/total # renter occupied units)
3. Total number of Judgments
4. Number of Judgments by Agreement entered into
5. Number of Alias Writs filed
6. Number of Alias Writs served
7. Number of complaints filed in the Fair Housing Commission
8. Results, by type, of complaints filed with the Fair Housing Commission
9. Number of calls received by the tenant help line

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

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. Enable small landlords to make repairs	<ul style="list-style-type: none"> • # homes improved • # loan defaults • % successful re-inspections by L&I
	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. Set up a pre-complaint resolution meeting process	<ul style="list-style-type: none"> • % of 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
	7. Develop a database to look up landlords	<ul style="list-style-type: none"> • # lookups/visits • # eviction filings per landlord • Change in L&I compliance
Housing Standards	8. Increase efforts to identify and enforce against unlicensed landlords	<ul style="list-style-type: none"> • # rental licenses
	9. Restructure the process for enforcing property code violation penalties	<ul style="list-style-type: none"> • % of dollars collected out of total dollars fined
	10. Expand inspection of problematic landlords	<ul style="list-style-type: none"> • # proactive inspection cases filed • % of cases resolved
Legal Processes and Policies	11. Just Cause Legislation	<ul style="list-style-type: none"> • # challenges in FHC to determination of good cause
	12. Increase enforcement of requirements related to rental licenses, the certificate of rental suitability, the lead safety certificate, and Partners for Good Housing	<ul style="list-style-type: none"> • Total # of rental certificates issued by L&I • % of cases filed by non-compliant landlords • #JBA's reviewed, % JBA breaches
	13. Set up a mandatory, pre-hearing mediation process	<ul style="list-style-type: none"> • % filings withdrawn before hearing
	14. Increase legal representation for low-income tenants	<ul style="list-style-type: none"> • % tenants represented
	15. Increase support for tenants who are evicted due to a Sheriff's Sale	<ul style="list-style-type: none"> • # tenants with legal representation
	16. Expunge eviction records	<ul style="list-style-type: none"> • #JBAs that include a clause about vacating the judgment • #records expunged
	17. Increase accessibility of Landlord-Tenant court and the mediation process	<ul style="list-style-type: none"> • # default judgements • #JBAs breached by tenants

Appendix III: Landlord and Tenant Responsibilities Required by Law and Policy

Landlords	Tenants
Pre-Rental Period <ul style="list-style-type: none"> • Must have a valid rental license from Licenses & Inspections. • Must be able to 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 reside in Philadelphia must have a Philadelphia 	Pre-Rental Period <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.

<p>Agent who can communicate directly with the tenant.</p> <ul style="list-style-type: none"> • Provide tenant with a copy of the city's <i>Partner's for Good Housing</i> handbook 	
<p>Rental Period</p> <ul style="list-style-type: none"> • Must maintain habitability and compliance with Property Maintenance and Fire Codes, are responsible for repairs, and cannot pass these 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 and hot water, heat at 68 degrees from Oct 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 Municipal/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. 	<p>Rental Period</p> <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 Licenses & Inspections 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
<p>Post-Rental Period</p> <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. 	<p>Post-Rental Period</p> <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

Organization	Program	Services / Resources Provided	Agency / Program Capacity		Program Outcomes
			Annual Budget (Org.)	Annual Budget (Program)	Total Served
Pennsylvania Department of Human Services (DHS)	Low-Income Home Energy Assistance Program (LIHEAP)	Utility Assistance	\$171,000,000	\$125,300,000 Cash: \$83.2M Crisis: \$42.1M	Cash: 355,496 Crisis: 116,030 Households
	Emergency Shelter Allowance (ESA)	Rent Assistance			
City of Philadelphia: Office of Homeless Services (OHS)	Emergency Assistance and Response Unit	Counseling/Referrals	\$75,000,000	\$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	\$5,400,000		6,645 clients
Community Legal Services (CLS)	Legal Assistance	Representation			9,100 cases
	Phone Helpline	Counseling/Referrals			
Congreso	Renter Counseling	Counseling/Referrals			
	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	\$250,000	\$200,000	1.2k-1.3k cases
	Grant Assistance	Rent Assistance, Utility Assistance		\$40k-50k (20% total)	
Legal Clinic for the Disabled (LCD)	Legal Assistance	Representation			1300+ cases
	Medical Legal Partnership	Representation			
	Community Legal Clinics	Education			

Organization	Program	Services / Resources Provided	Agency / Program Capacity		Program Outcomes
			Annual Budget (Org.)	Annual Budget (Program)	Total Served
Legal Help Center	Legal Assistance	Representation	\$50k-80k	\$50k-80k	141 cases
Philadelphia Interfaith Hospitality Network (PIHN)	Renter Counseling	Counseling/Referrals	\$470,000	\$375,000 (80%)	250 families
Philadelphia VIP	Volunteer Legal Representation	Representation	\$1,340,000 (operations)	\$4,176,178 (pro bono value)	950 cases
SeniorLAW Center	Legal Assistance	Representation	\$1,865,000		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	\$7,500,000	\$300,000	2,500 attendees
	Individual Counseling	Counseling/Referrals			1,500 cases
	Hotline Assistance	Counseling/Referrals			
	Rental Subsidies	Rent Assistance		\$6,000,000	500 cases
Utility Emergency Services Fund (UESF)	Utility Grant Program	Utility Assistance	\$4,300,000	\$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	\$9,800,000	\$510,909	409 cases
	Case Management	Counseling/Referrals		\$24,000	40 cases
	Financial Counseling	Counseling/Referrals		\$107,300	TBD

Appendix V: Philadelphia Eviction Prevention Project Summary

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 process of information and referral to ensure that services provided are reaching clients at the earliest point possible in order to maximize 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 5 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, to provide information to landlords about the possibilities of, or status of rental assistance, and to provide pre-court or pre-agreement budgeting and advice.

Live Tenant Assistance Hotline -- 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 & 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.

PARTNERS PARTICIPATING

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

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

Appendix VI: Task Force Mandate

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 over seven months, for a total of eight meetings, kicking off on October 17th, 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.

Appendix VII: Community Perspectives from Focus Groups & Public Comment Session

The Task Force conducted focus groups with landlords and landlord attorneys; Philadelphia residents; the Municipal Courts; LGBTQ rights advocates; disability rights advocates; and Immigrants, refugees, and low English proficiency advocates. During these sessions, participants shared their experiences with eviction, and 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 150 individuals in the development of the draft report.

Seven focus groups allowed the many different stakeholders in the eviction crisis to voice their concerns. Throughout multiple focus groups, residents expressed a need for better education about tenant rights, and 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 also voiced wanting to avoid the costs and hassle of the eviction process. A common point of feedback in multiple groups was that both tenants and landlords are often confused about rights and responsibilities throughout the court 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.

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.

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 Safety 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 uneducated in different aspects of the court process.
- Looping in the Police Department to regulate illegal lockouts and promoting conflict resolution between tenants and landlords were recommendations from this focus group.

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. SeniorLAW 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 Just 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 VIII: List of Acronyms Used

BHA - Boston Housing Authority
 CAP - Customer Assistance Program from PECO
 CEO - Office of Community Empowerment and Opportunity
 CIP - Boston's Court Intervention Project
 CRP - Customer Responsibility Program from Philadelphia Gas Works
 DHCD - Division of Housing and Community Development
 FHC - Fair Housing Commission
 HUD - U.S. Department of Housing and Urban Development
 L&I - Philadelphia Department of Licenses and Inspections
 OHS- Office of Homeless Services
 PHA - Philadelphia Housing Authority
 TAP - Tiered Assistance Program from Philadelphia Water Department

Appendix IX: Glossary of Terms

Alias Writ: 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 "arrearage(s)"): 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.

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.³⁰ 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 which 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 which trains and administers the Court's mediation program

Doubling Up: the act of multiple households sharing living space in order to save money on rent; an issue when tenants are not accounted on the lease and therefore may initiate an eviction for overcrowding/unauthorized occupants

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, multi-agency 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 Task Force on Eviction Prevention and Response*

Fair Housing Commission ("FHC"): municipal authority that enforces the Philadelphia *Fair Housing Ordinance*

Fair Housing Ordinance: the law which 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 (e.g. 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 which handles the initial filings for litigants and attorneys.

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 Landlord-Tenant Legal Help Center*

Housing Choice Voucher Program (HCVP): formerly known as Section 8, a HUD-funded program for very low-income families, the elderly, and the disabled which provides assistance in the form of a housing subsidy paid to the landlord in the private market.

Housing 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 \$50 per unit and must be renewed annually.

HUD: abbreviation for the U.S. Department of Housing and Urban Development, the federal agency which is 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 Oral Lease*

Judgment by Agreement (“JBA”): the binding and un-appealable agreement reached before the court hearing, at the time of the hearing, or through court mediation.

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.

Just Cause Eviction (also “Good Cause”): legal protections against evictions without a “good cause”, such as breach of lease or non-payment of rent. This would provide greater protection against evictions for reasons such as retaliation or discrimination.

L&I: abbreviation for the Philadelphia Department of Licenses and Inspections, the municipal authority which administers licenses, permits, and certificates, regulates zoning, and enforces building code and regulation

Landlord-Tenant Court: a colloquial name for the *Municipal Court* - 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 *Alias Writ of Possession* and consequent ejectment of the tenant.

Lead Safe Certificate or 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 6 or less 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.

Notice to Quit: the initial written notice which communicates a landlord’s intention to initiate eviction following a defined period, after which a landlord will file an *Eviction Complaint* at *Municipal Court*.

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 a safe and clean condition.

Pay-and-Stay: a tenant-right that, in cases solely brought by nonpayment of rent, 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 writ of possession 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.

Rental License: *also known as Housing Rental License*

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 which is responsible for the scheduling of all cases heard in the Civil Courtrooms of Municipal Court.

Self-Help Eviction: *see Illegal Eviction*

Service: the action of delivering a legal notice

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”): 27-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 9 months.

Termination of Term: the cessation of a rental agreement initiated by the landlord.

Voucher Program: see *Housing Choice Voucher Program*

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.³¹

Writ of Possession: filing that notifies the tenant an eviction will take place 11 or more days after the writ is served. Writ of Possession: Served directly to tenant or posted conspicuously on leased premises, and sent by mail to tenant

¹ Matthew Desmond. *Evicted*. New York: Crown Publishers, 2016: 330-331.

² Chris Salviati. “Rental Insecurity: The Threat of Evictions to America’s Renters.” *Apartment List*, October 20, 2017. <https://www.apartmentlist.com/rentonomics/rental-insecurity-the-threat-of-evictions-to-americas-renters/>.

³ Matthew Desmond. “Eviction and the Reproduction of Urban Poverty.” *American Journal of Sociology* 118, no. 1 (2012): 104

⁴ Philadelphia Legal Assistance and Reinvestment Fund. “Eviction in Philadelphia.” Presentation, Task Force on Eviction Prevention and Response, Philadelphia, PA, October 17, 2017. <http://www.phila.gov/hhs/PDF/Presentation%20PDFs%20Merged.pdf>

⁵ “On the Map: The Dynamics of Family Homelessness in New York City.” The Institute for Children, Poverty, and Homelessness. April 2016. http://www.icphusa.org/new_york_city/on-the-map-the-dynamics-of-family-homelessness-in-new-york-city/.

⁶ Santa Cruz County Homeless Census and Survey Comprehensive Report: Applied Survey Research, 2017. <https://static1.squarespace.com/static/5176dcd7e4b0e5c0dba41ee0/t/596cf5861e5b6cdcc933bf22/1500312982885/2017-SantaCruzCounty+-+Final.pdf>

⁷ San Francisco Homeless Point-in-Time Count and Survey Comprehensive Report: Applied Survey Research, 2015. <https://static1.squarespace.com/static/5176dcd7e4b0e5c0dba41ee0/t/55ad6729e4b0fb43f4325c6d/1437427497950/SanFrancisco+HomelessReport+2015+FINAL.pdf>

⁸ Matthew Desmond and Rachel Tolbert Kimbro, “Eviction’s Fallout: Housing, Hardship, and Health,” *Social Forces* 94, no. 1 (2015): 295-324.

⁹ Maxia Dong et al., “Childhood Residential Mobility and Multiple Health Risks During Adolescence and Adulthood,” *Archives of Pediatrics & Adolescent Medicine* 159, no. 12 (2005): 1104-1110.

Sarah A. Burgard, Kristin S. Seefeldt, and Sarah Zelner, “Housing Instability and Health: Findings from the Michigan Recession and Recovery Study,” *Social Science & Medicine* 75, no. 12 (2012): 2215-2224.

¹⁰ Matthew Desmond and Carl Gershenson, “Housing and Employment Insecurity among the Working Poor,” *Social Problems* 63, no. 1 (February 1, 2016): 46–67, <https://doi.org/10.1093/socpro/spv025>.

¹¹ Matthew Desmond and Tracey Shollenberger, “Forced Displacement From Rental Housing: Prevalence and Neighborhood Consequences,” *Demography* 52, no. 5 (2015): 1751-1772.

¹² Robert J. Sampson, Jeffrey D. Morenoff, and Felton Earls, “Beyond Social Capital: Spatial Dynamics of Collective Efficacy for Children,” *American Sociological Review* 64, no. 5 (1999): 633-660.

¹³ "Rental Housing Affordability Data Tool." Federal Reserve Bank of Philadelphia. Accessed April 11, 2018. <https://www.philadelphiafed.org/rentalhousing>.

¹⁴ Query of landlord-tenant cases, 1/1/2016 to 12/31/2016, from the Philadelphia Municipal Court Electronic Filing System, <https://fjdclaims.phila.gov>, retrieved October 7, 2017 by Philadelphia Legal Assistance.

¹⁵ Query of landlord-tenant cases, 1/1/2015 to 12/31/2017, from the Philadelphia Municipal Court Electronic Filing System, <https://fjdclaims.phila.gov>, retrieved March 15, 2018 by Philadelphia Legal Assistance; Licenses and Inspections Code Violations, 1/1/2016 to 12/31/2017, from OpenDataPhilly, <https://www.opendataphilly.org/dataset/licenses-and-inspections-violations>, retrieved March 15, 2018 by Philadelphia Legal Assistance. Note that this matching process does not take into account the apartment number, so a landlord could have a violation in one unit even though the evicted tenant's unit did not have a violation.

¹⁶ Query of landlord-tenant cases, 1/1/2016 to 12/31/2016, from the Philadelphia Municipal Court Electronic Filing System, <https://fjdclaims.phila.gov>, retrieved October 7, 2017 by Philadelphia Legal Assistance.

¹⁷ Query of landlord-tenant cases, 1/1/1970 to 12/31/2016, from the Philadelphia Municipal Court Electronic Filing System, <https://fjdclaims.phila.gov>, retrieved October 7, 2017 by Philadelphia Legal Assistance.

¹⁸ Matthew Desmond and Carl Gershenson, "Housing and Employment Insecurity among the Working Poor," *Social Problems* 63, no. 1 (February 1, 2016): 46–67, <https://doi.org/10.1093/socpro/spv025>.

¹⁹ Philadelphia Legal Assistance and Reinvestment Fund. "Eviction in Philadelphia." Presentation, Task Force on Eviction Prevention and Response, Philadelphia, PA, October 17, 2017. <http://www.phila.gov/hhs/PDF/Presentation%20PDFs%20Merged.pdf>

²⁰ Ira Goldstein, Al Parker, and Rhea Acuña. Policy Brief: Evictions in Philadelphia. Reinvestment Fund, 2017.

²¹ *Commonwealth v. Monumental Properties, Inc.*, 329 A.2d 812, 820–21 (Pa. 1974)

²² The FHC does not handle complaints regarding PHA or HUD properties.

²³ 68 P.S. § 250.503(a).

²⁴ Philadelphia Code, Chapter 6-800.

City of Philadelphia Department of Public Health. A Landlord's Guide to the Philadelphia Lead Disclosure and Certification Law. 2012. http://www.phila.gov/health/pdfs/LandlordGuidance_12_19_12.pdf

²⁵ "HUD.gov / U.S. Department of Housing and Urban Development (HUD)," accessed April 11, 2018, https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/inhousing.

²⁶ To access the savings of the Water Department's TAP program, low-income tenants must be the primary account holders with the Water Revenue Bureau. However, likely due to liabilities and habitability concerns, many landlords retain responsibility over water payments to prevent terminations via nonpayment. With data gathered from a September 2017 email from the WRB and the 2016 American Community Survey, an estimated 5.5% of renter-occupied households in Philadelphia are the primary water account holders. To see the benefits of such a program, tenants must initiate change to potentially unfavorable parties, for reasons stated above.

²⁷ Daniel Farrell. HELP USA: Building Better Lives. 2017. <http://www.coalitionny.org/documents/4CBH2017ConfDFarrellPP.pdf>

²⁸ Ira Goldstein and Colin Weidig. Philadelphia Residential Mortgage Foreclosure Diversion Program: Report Findings - Update, 2014. Reinvestment Fund, Policy Solutions, 2014. https://www.reinvestment.com/wp-content/uploads/2015/12/Diversion_Court_Findings-Update_Report_2014.pdf

²⁹ "eviction filings" refers to Landlord-Tenant Court complaints filed

³⁰ "The Eviction Process in Philadelphia County | Community Legal Services of Philadelphia," accessed April 11, 2018, <https://clsphila.org/learn-about-issues/eviction-process-philadelphia-county>.

³¹ This is the only outcome that does not mark against the tenant's credit.