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**HOUSE DEMOCRATIC POLICY COMMITTEE**

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**HOUSE OF REPRESENTATIVES**  
COMMONWEALTH *of* PENNSYLVANIA

*House Democratic Policy Committee Hearing*

Landlord/Tenant Issue

Tuesday, Aug. 16, 2022 | 10 a.m. to noon

Representative Darisha Parker

10 a.m. Opening remarks: Rep. Darisha Parker

**PANEL ONE**

10:10 a.m. Joan Preston, landlord

Jeanine Taylor, tenant

Derek Jolly, landlord/tenant

*Q&A with legislators.*

**PANEL TWO**

10:45 p.m. Bret Holden, Vice President of Leased Housing

*Philadelphia Housing Authority*

Catherine Califano, First Deputy Director

*Philadelphia Department of Planning and Development*

*Q&A with legislators.*

**PANEL THREE**

11:20 p.m. Andre Del Valle, Vice President

*Pennsylvania Apartment Association*

Osarugue Grace Osa-Edoh, Supervising Attorney

*Community Legal Services of Philadelphia*

*Q&A with legislators.*

11:50 a.m. Closing remarks

For August 16, 2022

Joan Preston

Landlord

My Testimony and Witness for Policy Hearing:

**Opening Testimony: Our Government encouraged, "Tenants Helplessness." How can this be right to command Landlords to support abled bodied adults, their families and themselves whether they could afford it or not? I ask this court; how can this be right? I am a God-fearing Woman, and I know that God is not pleased with the level of financial burdens placed on the back of Landlords. Just to renovate my rental property I had to incur a loan in order to pass city inspection. How can this be deemed as right? And does anybody care?**

**Watching the news on March 19, 2020 New Jersey's Governor Phil Murphy announced that effective immediately the state of New Jersey Rental Moratorium on evictions was law. I immediately became concerned because I felt Philadelphia would be next since we have approximately five to six City Council members aggressive with promoting "Helplessness in our inner-City Society." And my feelings were correct. The very next day the President of City Council - Councilman Darrell Clarke had his Press Conference and informed the Media that effective immediately the Rental Moratorium on Evictions was law for Philadelphians.**

**So, immediately, I called Mr. Clarks Offices and the same day, I contacted our mayor Office and no feedback from either office. By June 20, 2020 the situations in our city and nation grew progressively worst and still no feedback from Mr. Clarke or our Mayor regarding my petitions. So, I reached out to other Politicians and Judges hoping to hear some encouragement on Landlords behalf. Some were kind enough to respond that they received my faxed letters,**

**So, throughout our nation Landlords were concerned not knowing how long we could survive this financial challenge. Too many Landlords not getting rents, properties being destroyed, some experienced key sharing and no encouragement from our government. Again, I ask the question, how can this be right. Where is the empathy for Landlords? Many small Landlords are Seniors and our rents are very much a part of our income. I ask, if any Politician that made the decision that the Eviction Moratorium was the right thing to do did You consider reporting to Your offices at the expense of not being paid?**

Oh, please, may I answer that? NO!!!!

**2**

**MY CLOSING REMARKS:**

**I want to believe that my government want to make things right with Landlords. Many small Landlords are Seniors; therefore, our rents are our income. Too many small Landlords were forced to sell their properties "As Is", because they were forced to use their pensions for up keep and just said it is enough and gave up. I am asking You to please make this right. We are the ones that are compassionate and gave 2nd chances because we care. We are over our heads in debt.**

**In addition to Evictions, many of us are dealing with:**

- 1) Tenant break ins after Lock Outs**
- 2) Lack of funds due to Rental Moratorium**
- 3) Selling rental properties because of the lack of funds to make repairs.**
- 4) Property damages and no funds to repair**
- 5) Squatters**
- 6) Increased Refuse Fee, Property Taxes.**

**Bridges that helped me to look above and beyond the financial challenge that my government placed on my back:**

- 1) My Lord and Savior Jesus Christ**
- 2) My Family**
- 3) Ms. Mirta Duprey - Department of Planning & Development**
- 4) Friends**
- 5) The Honorable Cherelle Parker - Councilwoman for the 9th Council District – Philadelphia’s next Mayor**
- 6) Ms. Gerri Sizemore**
- 7) Mrs. Priya Boden - HAPCO's Office Administrator (Home Owners Association of Philadelphia)**
- 8) Mr. Greg Wertman - President of HAPCO**
- 9) Mr. Brian Jackson - 1st Vice President of HAPCO**
- 10) The Honorable Judge Patrick Dugan**

**One more thing please, To the incitive PA Republican General Assembly: Will You please Approve that \$2,000.00 Governor Wolf has requested numerous times? Is it because of Your disdain for the Citizens of Philadelphia? You are going to answer to Almighty God for Your actions. If You truly want to make America Great Again do the right thing. Righteousness exalts a nation and sin (unrighteousness) is reproach. It is all about our hearts.**

**Thank You for Your time and this opportunity.**



August 13, 2022

Hello. My name is Derek Jolly.

I bring a unique point of view to this discussion.

I am both a tenant and a landlord. I moved into a small one-bedroom apartment in Lower Merion two years ago so that my son could attend Lower Merion High School.

The apartment at \$1,100 per month was the cheapest one I could find in the area and has no amenities or creature comforts to speak of for that price. It has not been upgraded, or enhanced in years and yet each year the rent has increased by at least \$50. Additionally, the building management does not communicate with tenants.

My son fell down icy steps last winter. I notified them immediately and more than once. I'm still waiting for a return phone call or email. They never even acknowledge that they had received my phone calls or emails. Thankfully my son was not seriously injured.

I own and manage a duplex of my own and refuse to allow anyone to live in my property below a standard that would be unacceptable to me. Why aren't there more affordable options in this area. Who inspects these properties and holds the management companies accountable? Why are they permitted to raise the rent every year but not mandated to make upgrades or improvements? As a property owner in Philadelphia, I am mandated to have my steps and sidewalk cleared within a few hours after a storm. When my son fell down the steps, the snowstorm had been over for at least several hours.



**PA HOUSE DEMOCRATIC POLICY HEARING**

*AUGUST 16, 2022*

*The Eye Institute*

*1200 W Godfrey Ave. Philadelphia, PA 19141*

*Testimony Provided By:*

***Andre Del Valle***

***Vice President of Government Affairs***

***Pennsylvania Apartment Association***



**PA House Democratic Policy Hearing**  
**Re: House Bill 2062**  
**August 16, 2022**

Good morning, Chairman Bizzarro and members of the House Democratic Policy Committee my name is Andre Del Valle and I am the Vice President of Government Affairs for the Pennsylvania Apartment Association representing over 273,000 units and 300 property management companies across the Commonwealth. Locally here in Philadelphia we represent over 38,000 units and 49 property management companies.

I'd like to take a moment to thank the bill sponsor, Representative Parker and her team, for their willingness to engage in a number of robust and open conversations on the intent of the legislation, while understanding the challenges our members have faced in the last two years alone, as we all navigate these truly unprecedented times. We greatly appreciate the opportunity to testify today and look forward to cross collaborating.

It should be known that our apartment owners and managers do not seek out opportunities to evict residents. PAA recently joined the White House Eviction Reform Summit as we all work to prevent housing instability across the commonwealth and country. At the onset of this pandemic our members organized and implemented crisis response procedures to ensure our buildings were cleaned and sanitized daily while proactively closing pools, gyms, and other amenities to limit the spread of the COVID-19 virus. Our members implemented social distancing policies and procedures to keep its residents, especially our seniors safe, with mandated mask wearing and bilingual signage posted across their properties, along with COVID-19 safety guidelines to ensure everyone was doing their part to flatten the curve.

Many of our members proactively met with residents who were facing financial hardships and began creating (and to this day continue to make) payment plan agreements, and once American Rescue Plan funds were made available, urged tenants to apply for these funds made available by President Biden's administration. These Emergency Rental Assistance funds assisted landlords who had not received payments in over a year and a half, while also assisting tenants by ensuring their arrears were paid off given, they had the ability to pay up to 12 months back and 6 months forward for any rent or utilities.

In the wake of Hurricane Ida PAA and its members worked closely with the State Department of Human Services, and the American Red Cross on relocation efforts for flood victims gathering supplies and identifying units across the Commonwealth. In the wake of this tragedy and displacement, PAA also created the PAA Assistance Program that will be activated in the event of any natural disaster to assist with resident resettlement efforts, while donating much needed supplies generously donated by our members. Just weeks after Hurricane Ida struck PA, we began assisting with resettlement efforts for our Afghan brothers and sisters working closely with the Department of Homeland Security, the Office of Immigrant Affairs, the Nationalities

Services Center as well as elected officials across all levels of government as we welcome these refugees into our sanctuary cities across Pennsylvania.

While the Emergency Rental Assistance Program had its challenges and most of that funding is now depleted, the Pennsylvania Apartment Association has worked and continues to work closely with local, state, and federal agencies to troubleshoot challenges, host webinars for both landlords and tenants to answer questions on the application process and assist in outreach efforts to landlords who had issues with applications to help clear backlogs.

As we know the eviction process is both costly and protracted, and there is no economic incentive for these owners and managers to file for eviction except as a last resort when a lease or contract is breached. Evictions are often sought in cases of nonpayment of rent, instances when a resident is jeopardizing the safety of others, or disturbing other residents through nuisance behavior. Apartment owners and managers need the ability to fully evaluate an applicant because they depend on responsible renters to be able to properly manage their businesses. They must fulfill their own financial obligations, including, but not limited to, maintenance, capital improvements, mortgage payments, utilities, insurance premiums, payroll, and property taxes.

The requirement for review in the legislation as introduced raises several concerns as our landlords have a process to review every application that is denied. Some companies even have an entire panel of executives who consider the application that was denied. We do this due to Fair Housing requirements and want to ensure our members are complying. For example, if a resident applies and was flagged for an eviction that occurred 20 years ago, our members will proactively review the applicant's current situation and likely take the resident. Our members proactively do not look at periods of economic hardship related to the COVID 19 pandemic or 2008's economic crash as a reason for denial.

Our members do provide written notice to a resident when their application is denied as part of federal law through the Fair Credit Reporting Act which requires a landlord, who rejects or denies your tenant application due to information in a tenant screening report, to inform you of that fact. This notification is called an "adverse action" notice, and it must: be given in writing, orally, or electronically, provide the name, address, and phone number of the company that provided the report, notify you of your right to a free copy of the report if you request it within 60 days of the adverse action, and explain your right to dispute inaccurate information. Forcing us to provide information for local Housing Authorities and the Attorney General should not be the responsibility of landlords given they are complying of federal law.

The Fair Credit Reporting Act also gives a tenant the right to dispute any errors on their tenant screening report and have them corrected. The tenant screening or credit reporting company generally has 30 days to investigate the dispute, giving residents 14 days to respond to the denial letter essentially requires us to keep our properties vacant through the process at a time when housing, particularly workforce housing is scarce as we currently have a 96-98% occupancy rate nationwide.

For these reasons we are opposed to the legislation as introduced. Thank you for the opportunity to testify today. I am happy to answer any questions you may have.

# National

Apartments and their residents contribute **\$3.4T** to the national economy annually, supporting **17.5M** jobs.

**36.8M**

## Apartment Residents

Spending from the country's apartment residents contributes **\$3.0T** to the local economy each year (including **\$350.8B** in taxes), creating **16M** jobs.

**46%**

## Share of U.S. Apartments Built Before 1980

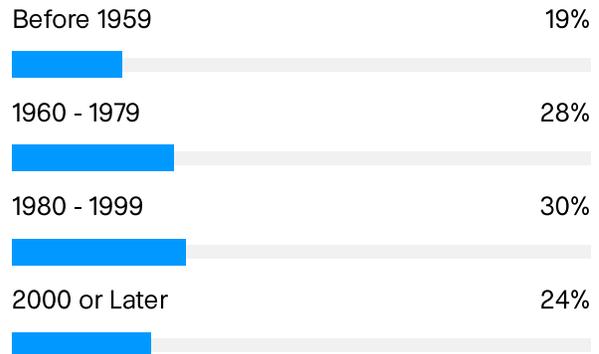
The renovation and repair of apartments helps preserve the country's older more affordable units, contributing **\$69B** to the local economy annually and creating **340K** jobs.

**21.3M**

## Apartment Homes

The operation of the country's apartment homes contributes **\$175.2B** to the local economy each year (including **\$58.0B** in property taxes), creating **341K** jobs.

## Age of Stock



**266K**

## New Apartments Needed Annually

Apartment demand is growing and the industry needs to keep up. However, producing enough new apartments to meet demand requires new development approaches, more incentives and fewer restrictions.

The country needs to build **266K** new apartment homes each year to meet demand. Apartment construction contributes **\$150.1B** to the country's economy annually, creating **752K** jobs.



Source: Hoyt Advisory Services; NMHC/NAA; 2020 American Community Survey, U.S. Census Bureau

# Pennsylvania

Pennsylvania apartments and their residents contribute **\$72.1B** to the state economy annually, supporting **382.2K** jobs.

**910.0K**

## Apartment Residents

Spending from Pennsylvania's apartment residents contributes **\$63.9B** to the local economy each year (including **\$6.1B** in taxes), creating **356K** jobs.

**62%**

## Share of Pennsylvania's Apartments Built Before 1980

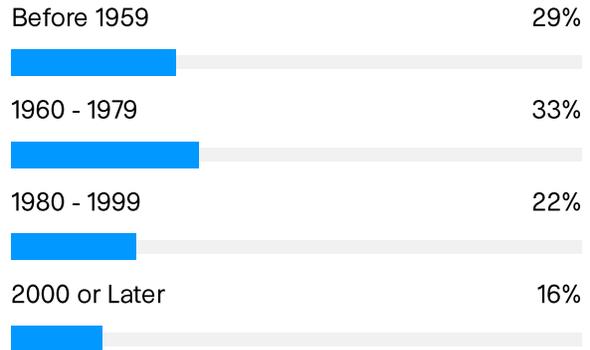
The renovation and repair of apartments helps preserve Pennsylvania's older more affordable units, contributing **\$2B** to the local economy annually and creating **8K** jobs.

**650.0K**

## Apartment Homes

The operation of Pennsylvania's apartment homes contributes **\$4.9B** to the local economy each year (including **\$940.9M** in property taxes), creating **10K** jobs.

## Age of Stock



**5K**

## New Apartments Needed Annually

Apartment demand is growing and the industry needs to keep up. However, producing enough new apartments to meet demand requires new development approaches, more incentives and fewer restrictions.

Pennsylvania needs to build **5K** new apartment homes each year to meet demand. Apartment construction contributes **\$1.7B** to Pennsylvania's economy annually, creating **9K** jobs.



Source: Hoyt Advisory Services; NMHC/NAA; 2020 American Community Survey, U.S. Census Bureau

# Philadelphia

Philadelphia apartments and their residents contribute **\$48.3B** to the metro economy annually, supporting **228.4K** jobs.

**592.3K**

## Apartment Residents

Spending from Philadelphia's apartment residents contributes **\$42.6B** to the local economy each year (including **\$4.9B** in taxes), creating **212K** jobs.

**61%**

## Share of Philadelphia's Apartments Built Before 1980

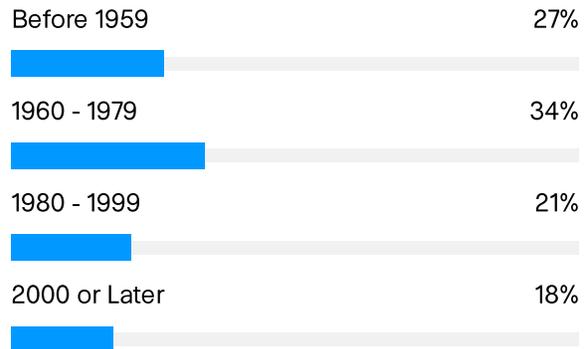
The renovation and repair of apartments helps preserve Philadelphia's older more affordable units, contributing **\$978M** to the local economy annually and creating **4K** jobs.

**395.0K**

## Apartment Homes

The operation of Philadelphia's apartment homes contributes **\$3.2B** to the local economy each year (including **\$636.4M** in property taxes), creating **6K** jobs.

## Age of Stock



**3K**

## New Apartments Needed Annually

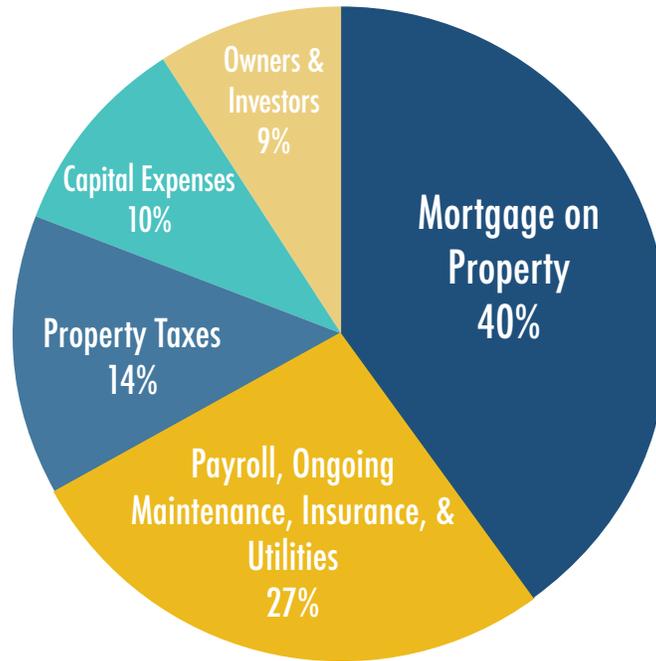
Apartment demand is growing and the industry needs to keep up. However, producing enough new apartments to meet demand requires new development approaches, more incentives and fewer restrictions.

Philadelphia needs to build **3K** new apartment homes each year to meet demand. Apartment construction contributes **\$1.6B** to Philadelphia's economy annually, creating **7K** jobs.



Source: Hoyt Advisory Services; NMHC/NAA; 2020 American Community Survey, U.S. Census Bureau

# How Property Owners Spend Rent



For Every Dollar Spent on Rent:

## 40 Cents Goes Towards the Mortgage on the Property

Roughly  $\frac{2}{3}$  of the apartment industry has private lenders and are ineligible for federal mortgage forbearance via the CARES Act

Mortgage foreclosures put all residents at risk of losing their housing

## 27 Cents Goes Towards Costs to Upkeep the Building

This includes ongoing maintenance, insurance, utilities, and payroll for employees such as maintenance technicians and leasing agents

These expenses are imperative to providing the best services and housing to residents

## 14 Cents Goes Towards Property Taxes

This in turn supports the community by helping to fund schools, emergency services, and other local needs

## 10 Cents Goes Towards Capital Expenses

Roof replacements, HVAC replacements, and other important repairs ensure quality rental housing

## 9 Cents Goes Towards Owners and Investors

Some owners are small businesses who rely on this revenue to make ends meet

Investors include public pensions and 401ks—many Americans rely on these even if they do not live in rental housing

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**Testimony for the PA House Policy Committee Hearing regarding: Landlord/Tenant issues, prepared by Rachel Mulbry, Housing Program Manager, PHDC.**

**August 16, 2022**

Good Moring members of the Policy Committee, my name is Rachel Mulbry, and I am a Housing Program Manager for PHDC. I am here today to discuss Philadelphia's programs to support renters and landlords during COVID-19 and our continued work in this area.

PHDC is a 30+ -year-old, non-profit, full-service community/economic development entity with an annual budget of \$83M. It builds stronger Philadelphia communities by creating and preserving affordable housing, supporting catalytic economic development projects, nurturing small businesses, and redeveloping vacant land. PHDC's home improvement programs serve approximately 5,000 people annually. PHDC contracts with over 100 small businesses to complete this work.

The City of Philadelphia contracts with PHDC to efficiently manage and deliver housing related services. During COVID, PHDC assisted over 17,500 tenant households distributing approximately \$99M in state ERA funds since April 2021. Of those households that received assistance, over 1,600 received it via a direct payment, and just under 16,000 had assistance paid to their landlord. The average amount of assistance per household was \$8,366.

Households of all types have been assisted through this program, a strong emphasis has been placed on assisting households that were especially vulnerable to housing instability or at high risk of being evicted. Over 75% of households that received state ERA funds, report earning under 30% of area median income, and almost half reported qualifying for unemployment insurance during the pandemic. Almost 2,000 recipients of state ERA funds also participated in the latest iteration of the City's Eviction Division Program, and over 4,100 had an eviction filing. Households facing evictions are consistently prioritized for review and payment.

To successfully serve that many households, DPD and PHDC built the infrastructure to collect information about rent, residency, property ownership, household demographics and banking. PHDC made payments on a large scale and at an unprecedented speed. This has been possible because of hardworking DPD and PHDC staff, who reviewed applications, answered questions, designed new systems, and worked day in and day out for months. The team also built and maintains a Rent Assist dashboard that is updated weekly and provides the public with information on program expenditure as

well as aggregate data on households served. The dashboard can be found at

<https://phlrentassist.org/dashboard/>

PHDC has been able to weave together both state and federal ERA funds alongside other local funding sources to maximize the number of households that can be assisted and expand the scope of assistance that could be provided. This means that a single household may receive assistance from a combination of funding sources, while applicants experience a streamlined application portal and review process.

PHDC and the City of Philadelphia established strong and dynamic partnerships with agencies and initiatives across the City, including the Eviction Diversion Program, 311 Call Center, Housing Counseling Agencies and Municipal Court. These relationships allowed PHDC to adapt to changes in the ERA legislation and priorities, while efficiently delivering rental assistance during the last two years.

We appreciate the support the state legislature provided to ensure funding was available to meet Philadelphia's housing needs and we look forward to using the Whole Home Program to fill gaps in services that exist today. Thank you for this opportunity to testify, I am happy to take your questions regarding the rental assistance program.



To: House Democratic Policy Committee  
From: Osarugue Grace Osa-Edoh, Esquire  
Date: August 12, 2022  
Re: **August 16 House Democratic Policy Committee Hearing Testimony**

Good morning, my name is Osarugue Grace Osa-Edoh and I am a Supervising Attorney at Community Legal Services of Philadelphia, I am also the housing attorney at the Medical-Legal Partnership between Community Legal Services and the Children's Hospital of Philadelphia. I thank you for allowing me to be here today to speak about the state of rental housing in Philadelphia as it relates to eviction prevention, housing conditions, affordability, and the impact that the COVID-19 pandemic has had on renters across Philadelphia.

CLS was founded in 1966 by the Philadelphia Bar Association. Since its inception, CLS has provided free civil legal assistance to more than one million low-income Philadelphians, most living below 125% of the federal poverty line. Approximately 10,000 clients were represented by CLS in the past year. CLS assists clients in a multitude of legal matters, including representing private, public, and subsidized housing tenants in matters involving eviction, illegal lockouts, and substandard housing, with the purpose of eradicating barriers to safe, affordable housing for tenants in the city of Philadelphia. Every year CLS's housing unit sees thousands of Philadelphians facing various forms of housing instability. All of those Philadelphians are low-income, the majority are Black or brown, and many are disabled.

Over the past year two years, CLS has issued two tenant-based reports. In 2021 CLS worked with community-based researchers Rachele Faroul and Abigail Brown on a qualitative study that resulted in the COVID-19, Race, and Housing Report.<sup>1</sup> This

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<sup>1</sup> Faroul et al., COVID-19's Impact on Race and Housing Security Across Philadelphia. Community Legal Services of Philadelphia (2021), available at <https://clsphila.org/wp-content/uploads/2021/02/20210222-Philadelphia-Renters-Report.pdf>



year, CLS worked on a report along with the Housing Initiative at the University of Pennsylvania that was more quantitative, with about 6,000 respondents answering a series of questions. The surveyors asked about four important issue areas: the rising cost of rent, the rate of illegal evictions, the effect of past eviction records on ability to secure quality housing, and the repair concerns that renters in the City are facing. The survey examined how these issue areas affect Black and brown communities, low-income communities, and other communities that have been historically marginalized.

What we learned is very significant and reinforced what we knew anecdotally from our work with our clients. 80% of Philadelphia renters who have experienced an eviction in the past have been denied housing. Over half of those evicted in the past are women, and nearly half of those evicted in the past have a disability. We also learned that a future denial of housing due to a past eviction record disproportionately affects Black and brown people. Asian and Indigenous renters experience the highest *rates* of eviction between racial groups, while Black renters comprise the largest racial group of renters that have been evicted.

Philadelphia ranks 4th nationally in total evictions, with over 20,000 evictions filed every year before the pandemic. A destabilized or displaced household is a household in crisis. Evictions continue the cycle of poverty by increasing homelessness, creating family instability and displacement and job loss. Evictions cause persistent mental and physical health issues for children and adults. Evictions are a racial justice issue as they are most likely to impact black women and their children. The impact of an eviction is not only felt by the family been evicted but by the Community and City.

Community Legal Services has partnered with other legal services agencies and City Council and the City of Philadelphia to institute a number of initiatives to address the long-term destabilizing impact of evictions in Philadelphia. The Philadelphia Bar Association has been instrumental in supporting these initiatives. These initiatives build on the experiences and needs of our clients that we see every day in our representation of them as well as the responses to the two surveys.

## **1. Right to Counsel for Tenants**



In 2018, in response to Philadelphia’s eviction crisis, Philadelphia City Council, the Mayor, and legal services agencies partnered to create the Philadelphia Eviction Prevention Project, known as PEPP, a groundbreaking, highly successful project to assist tenants facing eviction through same-day legal representation, a court help center, a hotline, court navigators, community education and other vital services. Since its start, PEPP has provided legal services to tens of thousands of tenants, preventing evictions and preserving financial resources for families.

In cities where robust eviction prevention efforts or a right to counsel have been implemented, including Philadelphia, San Francisco, Newark, and Cleveland, lawyers help maintain community and housing stability by keeping renters in their homes. An empowered tenant is a tenant who is more likely to readily engage with the court system. The result is more affordable payment arrangements, long-term family and housing stability and a lower default judgment rate. Tenants and landlords negotiate to have repairs made, so tenants and their families can live safely. Empowering tenants by providing counsel levels the playing field for tenants and prevents what studies have termed “disruptive displacement.”

In 2019 Philadelphia became the fifth city in the country to pass Right to Counsel legislation for tenants. After a delay due to the pandemic, Right to Counsel officially launched in Philadelphia in February 2022 in two zip codes -19121 in North Philadelphia and 19139 in West Philadelphia. These initial zip codes were chosen because they are where tenants are most impacted by evictions – they have the highest rate of evictions combined with the highest number of evictions and the highest rate of families living in poverty. City Council recently authorized funding for the next phase of implementation rollout. In just the first few months we have been able to increase representation of tenants in these zip codes to 40% and are continuing to build out our outreach efforts.

## **2. Eviction Diversion**



A necessary corollary to ensuring that tenants have representation when facing court-based evictions is our work to help support tenants prior to the court process through Philadelphia's new Eviction Diversion Program. Many eviction cases are resolved in Landlord Tenant Court through Judgments by Agreement that either lay out payment agreements or provide time for a tenant to move. Unfortunately, these judgments then hinder tenants when they try to move in the future because they negatively affect their tenant background screen. Rather than file an eviction case that results in a judgment, a pre-filing mediation program can handle these cases. CLS advocates collaborated with the City and partnering organizations including Cora Good Shepherd Mediation and Philadelphia Legal Assistance Hotline to launch the Eviction Diversion Program on September 1, 2020. The program is now in its third phase. The first phase was a direct response to the pandemic and focused on supporting tenants impacted financially by the pandemic. In April 2021 the federal Emergency Rental Assistance Program launched. In recognition of the success of the Eviction Diversion Program and the unprecedented volume of federal rental assistance funding that was now being made available to Philadelphia, Philadelphia's Municipal Court issued Order No. 15 of 2021 requiring landlords to apply for rental assistance and participate in the City's Eviction Diversion Program before filing eviction cases due to non-payment of rent. This significant step ensured that landlords and tenants would have the benefit of rental assistance and diversion-supported resolutions prior to litigation. By keeping the program pre-filing, the Order prevented tenants from having harmful eviction filings on their tenant record that prevent them from being able to rent stable affordable housing in the future.

Philadelphia's Eviction Diversion Program has received national attention, including at two of the White House Eviction Summits<sup>2</sup> and the Municipal Court Order being held out as a national model in a letter from the DOJ to all 50 state Supreme Court chief justices.<sup>3</sup> Philadelphia's Eviction Diversion Program and the collaboration with the Court were instrumental in enabling Philadelphia to disperse over 274 million dollars to date in rent and utility assistance to low-income Philadelphians to help them

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<sup>2</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/02/fact-sheet-white-house-summit-on-building-lasting-eviction-prevention-reform/>

<sup>3</sup> <https://www.justice.gov/opa/blog/how-state-courts-can-prevent-housing-and-eviction-crisis>



stay in their homes.<sup>4</sup> With the tapering off of the federal Emergency Rental Assistance Program, Philadelphia has now entered its third phase of the program which now supports all tenants in entering into sustainable agreements with their landlords with the assistance of housing counselors and mediators prior to litigation. Not all cases can be worked out, but when they can, it is best for tenants and landlords to reach agreements in a free, supportive setting such as diversion, rather than burdening the court system.

### **3. Renters Access Act**

Another piece to the puzzle is ensuring that tenants who do have eviction records are not further penalized for these records, but rather supported in finding stable housing in the future. CLS again partnered with the City and City Council in passing the Renters Access Act in 2021. The Renters Access Act ensures that many categories of eviction records are now no longer legal grounds to deny potential tenants in Philadelphia. The Philadelphia Commission on Human Relations is tasked with enforcing a major piece of the legislation: the provision requiring landlords to publicize uniform screening criteria for tenant applications, which is intended to reduce discrimination in the application process. The remainder of the provisions are enforceable through a private right of action. The Renters Access Act presents an opening for the City to focus on one of the consistent choice points at which renters are prevented from accessing housing that would meet their needs, no matter what happened in the eviction case or how much their lives have changed since then. Having an eviction record is a key predictor of future mobility and housing stability.

In the past two years, Philadelphia saw record-unemployment levels, which affected the ability to stay housed. The CLS survey found that during the pandemic, 60% of renters were behind on rent, with average arrears of nearly \$2,700. Over half (58%) of those behind on rent were Black. About a quarter of respondents indicated they planned to take on more debt, such as credit cards or payday loans, to get caught up. This was a temporary solution of course, because while tenants' arrears may be paid

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<sup>4</sup> <https://phlrentassist.org/dashboard/>



by these lines of credit, tenants were in an even riskier situation going forward as their debt increased. Credit card debt for low-income renters is 20% higher in June 2022 than it was three years ago before the pandemic in June 2019.<sup>5</sup> Tenants should not suffer indefinitely and be locked out of future housing stability due to eviction records that were caused by financial circumstances beyond their control.

#### **4. Healthy and Habitable Housing**

While always a problem, the pandemic heightened the importance of tenants having a healthy and safe home to live in. This was an especially crucial task with stay-at-home orders across the city and state during the pandemic. While the prevailing recommendation during the height of the pandemic was that the home would be the safest place to be, that was not the case for many tenants whose homes included environmental hazards that negatively impacted their health.

The CLS survey found that repairs and housing conditions continued to be a major concern in the city. The survey found that 82% of Philadelphia renters worry about the condition of their homes, with renters reporting repair issues such as pest infestation, mold and water damage, lead paint and dust, and inadequate utilities such as heat and electricity. The City continues to enact new laws and policies to address the old and deteriorating housing stock that many renters are facing. In October 2020, the newest iteration of the Philadelphia Lead Paint Disclosure and Certification Ordinance went into effect, mandating that all renting Philadelphians receive a certificate declaring that their homes are safe from lead-contaminated dust. Additionally, Philadelphia's Bed Bug law went into effect on January 1, 2021, mandating that landlords hire a pest control professional to investigate, eliminate any infestation, and perform follow-up inspections for any tenant who reports a bed bug infestation. With the help of advocates across the state, the Pennsylvania legislature passed the Whole Home Repairs Bill in July 2022, which will give both renters and homeowners access to much-needed funding to address repair issues.

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<sup>5</sup> <https://www.consumerfinance.gov/about-us/blog/office-of-research-blog-housing-inflation-is-hitting-low-income-renters/>



CLS has spent the last two years monitoring and responding to the pandemic and the housing crises with a belief that housing justice is racial justice, and that access to a healthy, affordable home is key to making our neighborhoods and communities thrive. I thank the House Democratic Policy Committee for continuing to be a partner in this work, and I look forward to the new and innovative solutions we will find together to make Pennsylvania's future brighter.

Thank you,

**Osarugue Grace Osa-Edoh**

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