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HOUSE OF REPRESENTATIVES

COMMONWEALTH *of* PENNSYLVANIA

House Democratic Policy Committee Hearing

Affordable Housing Crisis
Tuesday, March 28, 2023 | 12:00 p.m.

Representative Ismail Smith-Wade-El

OPENING REMARKS

12:00 p.m. Rep. Ismail Smith-Wade-El, D-Lancaster

PANEL ONE

12:05 p.m. Michaela Allwine, Director of Housing and Community Development
Lancaster County Housing and Redevelopment Authority

Jocelynn Ritchey, Manager of Planning and Resource Development
Lancaster County Housing and Redevelopment Authority

Q & A with Legislators

PANEL TWO

12:25 p.m. Holly Beck, Divisional Supervising Attorney, Housing Unit
Community Legal Services of Philadelphia

Q & A with Legislators

PANEL THREE

12:40 p.m. Lisette Rivera, Site Coordinator
Families in Transition

Stephanie Thomas, Office Assistant
Families in Transition

CLOSING REMARKS

1:00 p.m. Rep. Ismail Smith-Wade-El, D-Lancaster

Remarks and Testimony can be found by scanning the QR Code below:

Michaela Allwine, Director of Housing and Community Development
Jocelynn Ritchey, Manager of Planning and Resource Development
Lancaster County Housing and Redevelopment Authority

Lancaster County, like many counties across Pennsylvania has faced a severe shortage of affordable housing in tandem with extreme barriers to the creation of units to meet demand. This happens in both the homeownership and rental side of the market.

I'd like to start with homeownership. From June of 2021 to June of 2022, the average sale price of single-family homes in Lancaster County rose 14% to \$294,300, which is roughly estimated at a \$2,000 per month mortgage payment. At that time, there were only 566 available homes for sale, about a 4% vacancy rate. The Lancaster County Redevelopment Authority partners with a local service provider to administer funding through the Home Investment Partnership Program to assist first time, income qualified homebuyers with downpayment assistance. From 2016 to 2020, we were able to assist 48 homeowners purchase homes and start to build equity. Since 2020, we have not had a single family who was able to use these funds to purchase a home. The market conditions, lack of available units at the target price point, and the regulations associated with these dollars have effectively removed our families from the competitive market. We have the funding; we have nowhere for our families to live.

The rental landscape is equally untenable. From the same period of June 2021 to June 2022, rent amounts increased 9% to an average rent of \$1,346. Across the total rental market there was a 1.2% vacancy rate with only 190 units permitted for construction at that time. There were 64,405 renter households throughout the county, and within that population, 40,665 households were making less than 80% of the area median income which looks like \$50,550 for an individual and \$72,150 for a family of four. While this number may seem high, 26,390 of these families were paying over 30% of their income on rent, meaning about 41% of all renters in Lancaster County are rent burdened and 65% of all low- and moderate-income renters are rent burdened. According to HUD, in 2020, 18,500 total affordable units would have to be created to meet demand of rent burdened families, and the need has only increased from there. To combat the increased rent and keep our families housed, both the City and the County Housing Authorities have increased the allowable amount of rent to be charged to a voucher holder up to 110% of the HUD designated Fair Market Value. Our families are still being displaced through 'non-renewal' so private landlords can increase rent past this allowance. We have vouchers; we have nowhere for our families to live.

While we can't build our way out of the current crisis, the barriers to constructing new affordable units are surely not helping. As part of the Authority's Annual Action Plan reporting to HUD, we consult with various stakeholders in the community including municipal partners, affordable housing developers and service providers. A common theme is repeatedly heard as a foundational issue preventing the construction of units to keep up with demand: The fragmented land development process is unnavigable for developers. The Municipalities Planning Code that determines land use gives power to local municipalities to determine allowable types, sizes and uses of buildings. These codes have made the development of affordable housing prohibitively expensive at best and illegal at worst. Inclusionary zoning used in larger cities is explicitly prohibited under the code, leaving the possibility of financial incentives as the only reason a market rate developer would include any affordable set aside in large scale development, while using the Low-Income Housing Tax Credit process can take up to 5 years for a development to come to fruition. The numbers don't work, the zoning isn't there for support, and demand continues to grow.

We are not the only county facing these challenges; rising costs in both rent and construction continue to displace our families whose wages stay stagnant. We hope that you continue to support the communities you represent in making policy and legislative decisions with this in mind. Housing should be a human right and we have a duty to fulfill that for our communities.

Data Sources:

2015-2019 Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS)

2021 American Community Survey

HUD "Market at a Glance" Lancaster County

**Written testimony of Community Legal Services of Philadelphia
to the Pennsylvania House Democratic Policy Committee**

March 28, 2023

Community Legal Services (CLS) of Philadelphia provides legal representation to 10,000 people each year when they face the threat of losing their homes, incomes, health care, and even their families. CLS attorneys and other staff provide a full range of legal services, from individual representation to administrative advocacy to class action litigation, as well as community education, strategic use of the media, and social work. CLS is nationally recognized as a model legal services program.

CLS's Housing Unit represents private and subsidized tenants facing a wide variety of housing issues including eviction, repairs, termination of subsidy, criminal barriers to housing, rent calculations and disability accommodations. The Housing Unit also works on systemic issues on the local, state and federal level and has recently begun implementing Right to Counsel in Philadelphia as well as supporting Philadelphia's new Eviction Diversion Program.

One of the biggest obstacles our clients face in accessing safe and stable housing is the enduring stigma of eviction records. An eviction case record in Pennsylvania is publicly viewable online from the moment the case is filed until decades in the future. The case remains viewable by anyone regardless of what happens in court or afterward, including if the case is withdrawn or the defendant wins. Over 1,000 private tenant screening companies across the U.S., which have proliferated in the U.S. since 2015, scrape publicly viewable internet records and present their findings to landlords, with little recourse for the tenant if those reports contain errors or report cases that never resulted in a judgment against the tenant.

And the safeguards against erroneous or misleading reports are few. The only identifying information in the records is a name and an address. The reports are often wrong – naming the wrong people, or saying someone was evicted when they weren't. In a 2021 research report analyzing over 3.6 million eviction records from 12 states, including PA, researchers found that "22% of eviction records contain ambiguous information on how the case was resolved or falsely represent a tenant's eviction history."¹ A November 2022 report from the Consumer Financial Protection Bureau found high rates of error and poor quality control in the data broker and background screening industries that produce tenant screening reports for landlords.² But tenants are routinely denied for rental housing if they have any eviction record at all, no matter how long ago it was and what has changed since, and even if they weren't actually evicted or at fault.

¹ "Inaccuracies in Eviction Records: Implications for Renters and Researchers," Porton, Adam, Ashley Gromis, and Matthew Desmond, *Housing Policy Debate*, Volume 31, 2021, available at <https://www.tandfonline.com/doi/full/10.1080/10511482.2020.1748084>.

² "Tenant Background Checks Market Report," Consumer Financial Protection Bureau, November 2022, available at <https://www.consumerfinance.gov/data-research/research-reports/tenant-background-checks-market-report/>.

Thousands of families across Pennsylvania are burdened by an eviction record. In 2019, over 100,000 eviction cases were filed in the Commonwealth. According to Housing Alliance data, close to 18,000 of those eviction cases ended in the tenant's favor, but still show up in court records and on tenant screening reports. There is no limit on how long eviction records are publicly viewable, so the number of people affected by the stigma of eviction records increases every year. And the burden of eviction records is not distributed evenly among our communities: households of color, people with disabilities, and women raising children are disproportionately filed against by landlords, and therefore disproportionately feel the burden of eviction records.³ The COVID-19 pandemic only exacerbated these inequities.

In his 2016 book *Evicted*, Matthew Desmond describes not just the ramifications of the displacement that can be caused by an eviction, but also the downward spiral that tenants face with each eviction filing - it is harder to find a landlord willing to rent to tenants with eviction filings and when they do find a place, tenants often pay higher rents after an eviction filing and rent lower quality units in less desirable neighborhoods.

We at CLS see the need to seal eviction records as essential to addressing longstanding inequitable access to safe and stable housing. The American Bar Association agreed in 2021, calling on courts to act to shield tenants' names from public scrutiny when no judgment has been entered or when other good reason exists.⁴ We call on the General Assembly to remedy a system that punishes unlucky tenants in perpetuity. Pennsylvania must seal eviction records.

³ "Breaking the Record: Dismantling the Barriers Eviction Records Place on Housing Opportunities," Community Legal Services of Philadelphia, November 2020, available at https://clsphila.org/wp-content/uploads/2020/12/Breaking-the-Record-Report_Nov2020.pdf.

⁴ See <https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2022/612-midyear-2022.pdf> at #10.



Families In Transition

The mission of the School District of Lancaster's Families in Transition program is to provide support to our students and families who are experiencing homelessness by reducing any barriers preventing our identified students from having a positive educational experience. Within Lancaster City, affordable housing has always been a challenge. However, since the Covid-19 pandemic, affordable housing has become even more of a barrier for the students. As a result, resources have become extremely limited for the families. Our program has identified many gaps within our system in supporting individuals who are doubled up, living in hotels and motels as well as unaccompanied homeless youth. To meet the unique needs of this specific population, there must be a significant increase of the following support/services:

- Financial (Rental assistance, rental application fee, hotel/motel cost)
- Mental Health
- Accessibility to shelters for unaccompanied youth, single fathers, families who have boys over the age of 13
- Food/Clothing Insecurity

In closing, this is a brief summary of some of the reasons why this population is in need of your support. How can you support? Provision of affordable housing, funding for resources and an equitable definition of Homelessness must highlight all the various hidden situations our families are experiencing to close the gap of homelessness.

Families In Transition

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Families in Transition Program School District of Lancaster

Lisette Rivera, Site Coordinator, Families in Transition

Jaleen Leon , Site Coordinator, Families in Transition

Stephanie Thomas, Office Assistant, Families in Transition

Families in Transition Mission

The mission of The School District of Lancaster's Families in Transition program is to provide support to our students and families who are experiencing homelessness by reducing any barriers preventing our identified students from having a positive educational experience.



Families in Transition: A Little About Us

2022-2023 School Year / (July 2022-March 2023)

- Total Number of Students = 11,480
- Active FIT Students = 676
- Doubled Up = 319
- Hotels/Motels = 78
- Shelters/Transitional Housing = 65
- Unidentified Nighttime Status = 199
- Unaccompanied Youth = 15
- Economically Disadvantaged Percentage = 90%





Events Leading to Homelessness



- Job loss
- Loss of income
- Domestic Violence
- Fire, flood, natural disaster, etc.
- Parent's deportation
- Property being sold
- Eviction
- Abandonment/Unaccompanied Youth
- Illness (Physical/Mental)
- Incarceration of parent
- Divorce
- Addiction

How Is Homelessness Defined?

| | Dept of Education Homeless Definition | HUD Cat. 1 Homeless Definition |
|--|--|-----------------------------------|
| Homeless shelter or transitional housing | X | X |
| Place not meant for human habitation | X | X |
| Hotel or motel paid by individual | X | |
| Doubled up or couch surfing | X | X |
| Living in cars and parks | | X |
| Substandard housing (ex. Renting room, share common space) | X | |

Recognizing Student Homelessness And Its Impact On Education

- Be unable to meet standard school enrollment requirements
- Change schools often
- Be hungry, tired, stressed, display attention seeking behaviors
- Lack of basic needs; school supplies, clothing, hygiene products
- More than one family at an address/inadequate space to study
- Limited access to transportation
- Lack of adequate support
- Be chronically absent from school, erratic attendance/tardiness
- Grades decline, score poorly on assessment tests
- Have a need of Special Education services
- Drop out of school



Current Trends / Barriers

- Food / Clothing Insecurity
- Transportation Issues
 - Use of Cab Services
 - Use of District School Bus Services
- Housing Crisis
 - Affordable Housing
 - Housing Choice Voucher Program
- Unaccompanied Youth
 - Students over the age of 14 (Specifically boys)
- Lancaster County Shelters at Full Capacity
 - Mainly serving women & children 12 and under
- Mental Health
 - Accessibility



Cause I Ain't Got a Pencil

by Joshua T. Dickerson

I woke myself up
Because we ain't got an alarm clock
Dug in the dirty clothes basket,
Cause ain't nobody washed my uniform
Brushed my hair and teeth in the dark,
Cause the lights ain't on
Even got my baby sister ready,
Cause my mama wasn't home.
Got us both to school on time,
To eat us a good breakfast.
Then when I got to class the teacher fussed
Cause I ain't got a pencil.

Recommendations of Support

To meet the unique needs of this specific population, there must be a significant increase of the following support/services:

- Provision of affordable housing
- Funding for resources
- An equitable definition of Homelessness must encompass all the various hidden situations our families are experiencing to close the gap of homelessness
- Financial (Rental assistance, rental application fee, hotel/motel cost)
- Mental Health (School-based and outpatient services)
- Accessibility to shelters for unaccompanied youth, single fathers, families who have boys over the age of 13 and to include families in totality
- Food/Clothing Insecurity

Families in Transition Program School District of Lancaster

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