March 31, 2020

Dear Mayor Kenney and Members of City Council,

Thank you for your leadership in addressing critical housing needs for Philadelphians during this crisis. Your support for stopping illegal lockouts and expanding access to affordable housing is essential, especially at this time.

We write as Philadelphia’s tenant advocates, and in support of the national and local tenant organizing movements, to urge you to take the following actions to promote the stability of our community by preventing mass evictions due to COVID-19 related loss of employment.

**Action Needed Now**

1. **Advocate for the extension of the eviction moratorium through two months past the end of the state of emergency**

By Order of the Pennsylvania Supreme Court, there is a moratorium on all eviction hearings and lockouts through April 3, 2020. It is clear by now that the public health risk will not have abated significantly—and may worsen—this week such that the courts could safely reopen on Monday. We ask you to call upon the courts to extend the moratorium through two months past the end of the state of emergency (either on the local, state or federal level, whichever is the latest date).

We are hearing from many tenants that they are unable to move in accordance with the date they agreed to in preexisting Judgment by Agreement because they are physically unable to view properties (realtors/landlords are not showing properties) or secure moving companies to assist with the move. Without an extension, tenants will be forced to endanger themselves and everyone they come in contact with when leaving their homes to look for new accommodations. The proposed extension will give tenants time to begin to stabilize their income, comply with Governor Wolfe’s stay-at-home order, which now extends to the end of April, and work with their landlords to enter into new payment agreements. Over half a million Pennsylvanians filed for unemployment compensation this past week, which is an unprecedented number. It will take time for the Commonwealth to process these claims and issue payments. We need an extended moratorium to prevent mass displacement while waiting for these claims to be processed.

2. **Stop the Rise in Illegal Evictions**

Our agencies have seen a rise in illegal evictions in the past week as some landlords circumvent the law to evict their tenants. Instead of engaging in the legal court process, landlords are using illegal means (e.g., utility shutoffs, changing the locks, and using threats of force to evict tenants). Normally, we instruct tenants to call 911 and the police may intervene to help resolve the situation. Currently, however, the police are only intervening in person if an eviction is in process and the landlord is at the property. Tenants need your help in cracking down on illegal evictions, which undermine the public health intent of the current eviction moratorium and stay-
at-home orders. We urge City Council to amend Ordinance 9-1600 to include robust civil penalties to deter landlords from illegally evicting their tenants and hold them accountable.

**Housing Stabilization Action Needed to Prepare for Post-Moratorium**

Philadelphia needs to prepare **now** for when the eviction moratorium ends and large numbers of renters who have been without work due to COVID-19 are unable to afford accumulated back rent. Tenants make up 51% of Philadelphia’s population. Evictions on a mass scale due to no fault non-payment of rent will cause major destabilization for the City, its renters and its landlords. It will greatly exacerbate the already serious homeless crisis. However, we believe that by working together, renters, the City and landlords can develop a comprehensive stabilization plan. Not only is this plan necessary to respond to the current emergency, it will also address many of the issues previously identified by the Mayor’s Eviction Task Force and create lasting stability and decreased evictions for Philadelphia renters.

**Rent & Mortgage Waiver:** Tenants, both residential and commercial, are unable to pay their April rent with the sudden loss of income due to the stay-at-home order in place since March 16, 2020. Rent for April and through 120 days beyond the end of the state of emergency should be zeroed out in recognition of tenants’ inability to pay through no fault of their own. Even once the state of emergency is over, tenants will need time to regain employment and attend to basic needs so that they can stabilize themselves and their families. Landlords can be made whole through zeroing out mortgage payments, a waiver of real estate taxes, or other subsidies.

**Six-Month Repayment Window:** In the alternative, we urge Philadelphia to enact protections for tenants from eviction filings for non-payment of rent through 120 days beyond the end of the state of emergency. Multiple municipalities have enacted moratoriums on filing eviction cases due to non-payment of rent. With the CARES Act, the federal government has enacted a 120-day moratorium on non-payment of rent cases for subsidized and LIHTC housing as well as properties with federally backed mortgages. We believe Philadelphia can expand on these models by coordinating rental assistance that covers a tenant’s rent for one third of the back amount owed, with an agreement by the landlord to waive one third of the back amount owed and a tenant’s promise to repay one third of the back amount owed over a six-month period. This spreads out the cost of the loss and provides a path to stability for renters and landlords.

**Waive Early Lease Termination Fees and Late Fees:** Philadelphia should institute a moratorium on early lease termination fees so that tenants who need to end their lease early due to COVID-19 related financial hardship can do so without incurring a penalty, provided they provide 30 days’ notice of intent to terminate the lease to the landlord. Likewise, tenants who have fallen behind on their rent due to COVID-19 and are making a good faith effort to repay the landlord should not be subject to late fees.

**Rent Freeze and Good Cause Evictions:** Philadelphia should extend its already-enacted good cause protections in Ordinance 9-804 to all leases and institute a one-year rent freeze so that tenants’ rents are stabilized during this recovery period.
**Ensure Notice of Evictions:** There are hundreds of tenants for whom an eviction lock-out is already pending but who have no idea how much time they have left given the Court’s shut down. This lack of warning will lead to surprise lock-outs and the overcrowding of shelters that are already vulnerable to outbreak. Adding accountability mechanisms to ensure tenants know when evictions will occur would assist families with planning a move. The Court should immediately adopt the more robust notice rules recommended by the Mayor’s Eviction Task Force in 2018 and the Philadelphia Bar Association in 2019.

**Pre-Filing Diversion Program:** During this public health crisis and the ensuing time of economic hardship, it is imperative that tenants and landlords have a supportive forum for resolving issues and stabilizing housing prior to an eviction case being filed in landlord-tenant court. It is important that the diversion happen before eviction complaints are docketed in landlord-tenant court, which puts a permanent negative mark on a tenant’s eviction history and prevents them from finding stable housing in the future. The City should expand the capability of the Fair Housing Commission and Philadelphia’s new pre-filing mediation program through Good Shepherd to be able to resolve landlord-tenant issues in a way that stabilizes habitable housing in keeping with the above protections.

**In addition to these proposals, we write in strong support of the Mayor’s stated intention to expand the City’s Shallow Rent Subsidy Program and Rental Assistance Program as necessary steps towards promoting affordable housing.** We urge City Council to fund these programs as well as an expansion of the Basic Systems Repair Program to help small landlords ensure the habitability of Philadelphia’s housing stock.

We are eager to begin conversations with you to enact the above plans. We believe that the City has the authority to institute all of these plans at this time, either through amending current ordinances or through Executive Order. Please contact Rachel Garland at rgarland@clsphila.org for follow up. We are able to set up phone calls and remote meetings as needed.

All our agencies remain open and our staff are working remotely. Please direct renters with concerns and questions to our Tenant Hotline, 267-443-2500 to leave a message so that they can receive a call back from one of our agencies within one to two business days. We are updating our website, www.phillytenant.org, daily, as information and resources become available. We look forward to working with you during this challenging time.

Sincerely,

Community Legal Services
Public Interest Law Center
SeniorLAW Center
Legal Clinic for the Disabled
Legal Help Center
Face to Face
Lilac

TURN
AIDS Law Project of Pennsylvania
Fair Housing Rights Center
Philadelphia VIP
HELP: MLP
Neighborhood Networks