



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 220655
(As Amended, 10/4/22)

Introduced September 15, 2022

Councilmembers Gym, Brooks, Thomas and Gauthier

Referred to the
Committee on Housing, Neighborhood Development and The Homeless

AN ORDINANCE

Amending Chapter 9-800 of The Philadelphia Code, entitled "Landlord and Tenant," to modify requirements and authorizations related to the City's residential eviction diversion program, including associated changes to the landlord and tenant relationship, and to make certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-800 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-800. LANDLORD AND TENANT

* * *

§ 9-811. Eviction Diversion Program.

(1) Authorization and Program Structure. The Department of Planning and Development, or such other City department or office as the Mayor may designate, is authorized to continue operating a pre-filing residential eviction diversion program to facilitate dispute resolution between landlords and tenants or acquisition of rental assistance, if available. Landlords shall enroll in the eviction diversion program by completing an application [for rental assistance or similar financial assistance,] or in such other manner as directed by the Department. It is not Council's expectation that the diversion program will continue *(a) [unless] if there is [sufficient] insufficient funding [is] available to operate the program; or (b) if a post-filing diversion program is established that allows a meaningful opportunity to resolve landlord and tenant disputes without an eviction filing against a tenant becoming known to third parties, provided that a pre-filing diversion program may continue to be offered on a voluntary basis.*

City of Philadelphia

BILL NO. 220655, as amended continued

(2) So long as the City is running a *mandatory* pre-filing eviction diversion program consistent with subsection (1), above, [that includes rental assistance funds,] no landlord shall have a lawful basis to evict a tenant unless the landlord has complied with the following requirements:

(a) The landlord has enrolled with the eviction diversion program consistent with subsection (1), and provided a notice of diversion rights to the tenant consistent with subsection [(6);] (5); and

(b) The landlord participates in the eviction diversion program in reasonable good faith, as defined by the City, for no less than *thirty (30) days*. [forty-five (45) days; provided that such landlord shall thereafter continue to participate in the eviction diversion program in reasonable good faith.]

[(3) If at any time the financial rental assistance portion of the eviction diversion program is in a hiatus status due to lack of available funds, no landlord shall have a lawful basis to evict a tenant unless the landlord has complied with the following requirements:

(a) The landlord has enrolled with the eviction diversion program in the manner directed by the Department of Planning and Development and provided a notice of diversion rights to the tenant consistent with subsection (6), below, both concurrently with serving any notice to vacate on the tenant; and

(b) The landlord has participated in the eviction diversion program in reasonable good faith, as defined by the City, for no less than thirty (30) days; provided that the landlord shall thereafter continue to participate in the diversion program in reasonable good faith.]

[(4)](3) Exceptions. [Subsections] *Subsection* (2) [and (3)] shall not apply if eviction is necessary to cease or prevent an imminent threat of harm by the person being evicted, including physical harm or harassment.

[(5)](4) Lawful Basis to Evict Required.

* * *

[(6)](5) Notice, Forms, and Regulation.

(a) Required Notice. The notice a landlord is required to provide a tenant under this Section 9-811 shall be provided in writing, by hand delivery or mail with proof of mailing, and must provide notice of the tenant's right to engage in diversion under this Section 9-811, as well as clear information on how the tenant may exercise such rights, including such specific text or such other language that may be included in a form created by the City pursuant to subsection [(6)(b),] (5)(b), "Forms and Regulations" (below).

* * *

City of Philadelphia

BILL NO. 220655, as amended continued

[(7)](6) Defenses.

* * *

[(8)] (7) Effective Dates. This Section 9-811 shall [be effective January 1, 2022 and shall] expire [December 31, 2022] *June 30, 2024*.

City of Philadelphia

BILL NO. 220655, as amended continued