

Legislation Text

File #: 240245, Version: 1

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

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§ 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 or in such other manner as directed by the Department. It is not Council's expectation that the diversion program will continue (a) if there is insufficient funding 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.

(2) So long as the City is running a mandatory pre-filing eviction diversion program consistent with subsection (1), above, 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 (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.

(3) Exceptions. Subsection (2) 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.

(4) Lawful Basis to Evict Required.

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(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 (5)(b), "Forms and Regulations" (below).

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(6) Defenses.

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[(7) Effective Dates. This Section 9-811 shall expire June 30, 2024.]