

Legislation Text

File #: 190386, Version: 1

Amending Chapter 9-800 of The Philadelphia Code, entitled "Landlord and Tenant," by adding a new Section 9-808, entitled "Legal Representation in Landlord Tenant Court," providing for access to free legal representation to the City of Philadelphia's low-income residents facing eviction in Landlord Tenant Court; under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

TITLE 9. Regulation of Businesses, Trades and Professions

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CHAPTER 9-800. LANDLORD AND TENANT

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§ 9-808. *Legal Representation in Landlord Tenant Court.*

(1) *Definitions.*

(a) *Covered Individual.* Any person who occupies a dwelling in the City of Philadelphia under a claim of legal right other than the owner, including any tenant in a building owned, operated, or managed by the Philadelphia Housing Authority, whose annual gross income is not in excess of two-hundred percent (200%) of the federal poverty guidelines as established and updated periodically by the United States Department of Health and Human Services (42 U.S.C. 9902(2)).

(b) *Covered Proceeding.* Any judicial or administrative proceeding to evict or terminate the tenancy or housing subsidy of a Covered Individual, any proceeding deemed by a Designated Organization as the functional equivalent of such a proceeding, or any first appeal of such a proceeding, including any judicial or administrative proceeding to remedy a violation of Section 9-800 of this Code, Philadelphia Fair Housing Ordinance, or Section 9-1600 of this Code, Prohibition Against Unlawful Eviction Practices.

(c) *Designated Organization.* Any not-for-profit organization or association that has the capacity to provide Full Legal Representation to Covered Individuals facing eviction, agrees to adhere to the standards of practice set forth in regulations, and is designated by the Managing Director pursuant to this Chapter.

(d) *Designated Community Group.* A not-for-profit community organization or association that has the capacity to conduct tenant outreach, engagement, education, and information provision, and is designated by the Managing Director.

(e) *Full Legal Representation. Ongoing legal representation provided by a Designated Organization to a Covered Individual and all legal advice, advocacy, and assistance associated with such representation. Such representation includes, but is not limited to, the filing of a notice of appearance on behalf of the Covered Individual in a Covered Proceeding.*

(2) *Legal Representation in Landlord Tenant Court*

(a) *The Managing Director shall ensure that all Covered Individuals receive Full Legal Representation from a Designated Organization in a Covered Proceeding, as soon as possible after the initiation of such proceeding, the notice of intent to initiate such a proceeding, or at such time as a Designated Organization determines a proceeding should be initiated, and no later than at the time of the individual's first scheduled appearance in a Covered Proceeding. Covered Individuals shall receive Full Legal Representation unless circumstances specific to the individual make Full Legal Representation infeasible to render as provided by regulation.*

(b) *Designated Organizations and Community Groups shall, as provided by regulation, engage and educate tenants of their rights and available resources.*

(c) *Full Legal Representation, as set forth in this Section 9-808(2), shall be phased in according to such multi-year timeline as the Managing Director may determine, and shall be effective only at such time as the Managing Director certifies that the Managing Director's Office is prepared to spend appropriations to fund such legal representation. If projected need for legal representation to Covered Individuals exceeds the available funds, the provision of Full Legal Representation may be prioritized by reasonable standards as provided by regulation.*

(d) *The Managing Director, or such agency as the Managing Director may designate, shall promulgate such regulations as necessary to implement a legal representation program pursuant to this Section 9-808 and the funding limits for such program prior to its implementation.*

(e) *If any provision of this Ordinance or application thereof to any persons or circumstances is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application and to this end the provisions of the ordinance are declared severable.*

(f) *On August 31 of each year, the Managing Director's Office shall submit a written report to the President and Chief Clerk of Council detailing the number of covered individuals served, the extent of Full Legal Representation performed, metrics evaluating outcomes, as well as a summary of the engagement and education of tenants. The Managing Director shall post this report online.*

SECTION 2. Effective date. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter added.

