

Legislation Details (With Text)

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On agenda: **Final action:**

Title: Amending Chapter 9-3900 of The Philadelphia Code, entitled "Property Licenses and Owner Accountability," by adding and amending certain definitions; authorizing the establishment of the Low-Income Tenant Legal Defense Fund; and requiring certain documents in actions for eviction or collection of rents, all under certain terms and conditions.

Sponsors: Council President Clarke, Councilmember Gym, Councilmember Quiñones Sánchez, Councilmember Jones, Councilmember Squilla, Councilmember Domb, Councilmember Blackwell

Indexes: PROPERTY LICENSES AND OWNER ACCOUNTABILITY

Code sections:

Attachments: 1. Bill No. 19015900.pdf

Date	Ver.	Action By	Action	Result	Tally
3/7/2019	0	CITY COUNCIL			

Amending Chapter 9-3900 of The Philadelphia Code, entitled "Property Licenses and Owner Accountability," by adding and amending certain definitions; authorizing the establishment of the Low-Income Tenant Legal Defense Fund; and requiring certain documents in actions for eviction or collection of rents, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-3901 of The Philadelphia Code is hereby amended to read as follows:

<javascript:void(0)>§ 9-3901. General Provisions.

* * *

(4) *Non-compliance, Private Right of Action and Suspension.* In addition to the provisions for license suspension set forth in Subcode A <[http://library.amlegal.com/nxt/gateway.dll?f=jumplink\\$jumplink_x=Advanced\\$jumplink_vpc=first\\$jumplink_xsl=querylink.xml\\$jumplink_sel=title;path;content-type;home-title;item-bookmark\\$jumplink_d=pennsylvania\(philadelphia_pa\)\\$jumplink_q=%5bfield%20folio-destination-name:%27Subcode%20A%27%5d\\$jumplink_md=target-id=JD_SubcodeA](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xml$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=pennsylvania(philadelphia_pa)$jumplink_q=%5bfield%20folio-destination-name:%27Subcode%20A%27%5d$jumplink_md=target-id=JD_SubcodeA)> of Title 4 <[http://library.amlegal.com/nxt/gateway.dll?f=jumplink\\$jumplink_x=Advanced\\$jumplink_vpc=first\\$jumplink_xsl=querylink.xml\\$jumplink_sel=title;path;content-type;home-title;item-bookmark\\$jumplink_d=pennsylvania\(philadelphia_pa\)\\$jumplink_q=%5bfield%20folio-destination-name:%27Title%204%27%5d\\$jumplink_md=target-id=JD_Title4](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xml$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=pennsylvania(philadelphia_pa)$jumplink_q=%5bfield%20folio-destination-name:%27Title%204%27%5d$jumplink_md=target-id=JD_Title4)>, the following provisions shall also apply to licenses required by this Chapter:

* * *

(e) *Non-compliance.* Any owner who fails to obtain a rental license as required by § 9-3902 <[http://library.amlegal.com/nxt/gateway.dll?f=jumplink\\$jumplink_x=Advanced\\$jumplink_vpc=first\\$jumplink_xsl=querylink.xml\\$jumplink_sel=title;path;content-type;home-title;item-bookmark\\$jumplink_d=pennsylvania\(philadelphia_pa\)\\$jumplink_q=%5bfield%20folio-destination-name:%279-3902%27%5d\\$jumplink_md=target-id=JD_9-3902](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xml$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=pennsylvania(philadelphia_pa)$jumplink_q=%5bfield%20folio-destination-name:%279-3902%27%5d$jumplink_md=target-id=JD_9-3902)>, or to comply with § 9-3903 <[http://library.amlegal.com/nxt/gateway.dll?f=jumplink\\$jumplink_x=Advanced\\$jumplink_vpc=first\\$jumplink_xsl=querylink.xml\\$jumplink_sel=title;path;content-type;home-title;item-bookmark\\$jumplink_d=pennsylvania\(philadelphia_pa\)\\$jumplink_q=%5bfield%20folio-destination-name:%279-3903%27%5d\\$jumplink_md=target-id=JD_9-3903](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xml$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=pennsylvania(philadelphia_pa)$jumplink_q=%5bfield%20folio-destination-name:%279-3903%27%5d$jumplink_md=target-id=JD_9-3903)> regarding a Certificate of Rental Suitability, or whose rental license has been suspended, shall be denied the right to recover possession of the premises or to collect rent during or for the period of noncompliance or during or for the period of license suspension. In any action for eviction or collection of rent, the owner shall attach a copy of the license *and a copy of the Certificate of Rental Suitability required by § 9-3903.*

(f) *Private Right of Action.* Any tenant of any property subject to the provisions of this Chapter shall have the right to bring an action against the owner of such property to compel compliance with this Chapter. Such private right of action neither limits nor expands the rights of private parties to pursue any legal rights and claims they may possess under a written agreement or at Common Law.

* * *

(5) Definitions. The following terms shall have the following meanings in this Chapter.

* * *

(f) Low-Income Tenant: A person, group of non-familial tenants, or family with monthly household income at or below fifty percent (50%) of Area Median Income.

[(f)] (g) * * *

[(g)] (h) * * *

[(h)] (i) * * *

[(i)] (j) * * *

[(j)] (k) * * *

[(k)] (l) * * *

[(l)] (m) * * *

[(m)] (n) * * *

[(n)] (o) * * *

[(o)] (p) * * *

* * *

SECTION 2. Establishing a new Section 9-3909 of The Philadelphia Code Authorizing the Creation of a new Low-Income Tenant Legal Defense Fund.

§ 9-3909. *Establishment of the Low-Income Tenant Legal Defense Fund.*

- (1) *The Director of Finance is authorized to establish the Low-Income Tenant Legal Defense Fund.*
- (2) *The Director of Finance and such other officials as the Mayor may determine are authorized to implement the provisions of Section 9-3903(3).*

§ 9-3910. *Deposits into the Low-Income Tenant Legal Defense Fund.*

- (1) *Upon establishment of the Low-Income Tenant Legal Defense Fund authorized by Section 9-3909, funds appropriated by Council shall be deposited in the Low-Income Tenant Legal Defense Fund. Any assets remaining in this Fund at the end of any fiscal year shall be carried into the next fiscal year, including all interest and income earned.*
- (2) *Funds appropriated from the Low-Income Tenant Legal Defense Fund shall be used to enforce the requirements of this Chapter, including but not limited to legal actions initiated by, or defended against, by tenants as authorized by § 9-3901(4)(f).*
- (3) *Funds appropriated from the Low-Income Tenant Legal Defense Fund may be awarded to any entity for the purposes designated herein, regardless of its legal form, so long as the entity is otherwise eligible to receive a contract.*
- (4) *Proposed annual expenditures from the Low-Income Tenant Legal Defense Fund shall be incorporated into the City's Annual Consolidated Plan submitted to City Council for approval. Expenditures from this Sub-Fund shall be made only pursuant to appropriations made in the City's Operating Budget.*

SECTION 3. This Ordinance shall take effect upon enactment.

Explanation:

Italics indicate new matter added.
[Brackets] indicate matter deleted.