



Legislation Text

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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

\* \* \*

CHAPTER 9-800. LANDLORD AND TENANT

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

(1) *Definitions.*

(a) *Brief Legal Assistance.* Individualized legal assistance provided in a single consultation by a designated organization to a covered individual in connection with a covered proceeding.

(b) *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 operated 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))

(c) *Covered Proceeding.* Any proceeding in a court of competent jurisdiction to evict, eject, or terminate the tenancy of a covered individual, or any appeal of such a proceeding.

(d) *Designated Organization.* A not-for-profit organization or association, or a for-profit legal services provider that provides pro bono legal representation, that has the capacity to provide legal services to income-eligible individuals facing eviction and is designated by the City pursuant to this Section.

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

(f) *Full Legal Representation.* Ongoing legal representation provided by a designated organization

*to a covered individual who is income-eligible 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.*

*(g) Legal Services. Any legal representation provided to a covered individual, including brief legal assistance and full legal representation.*

*(2) Legal Representation in Landlord Tenant Court*

*(a) All covered individuals shall receive legal services from designated organizations in a covered proceeding, as soon as possible after the initiation of such proceeding, and no later than at the time of the individual's first scheduled appearance in a covered proceeding. Designated organizations must seek to provide full legal representation unless the individual is ineligible, there is a conflict of interest, or other circumstances make full legal representation infeasible to render.*

*(b) Designated organizations shall work with community organizations, including Designated Community Groups, to engage and educate tenants of their rights and available resources.*

*(c) Any legal representation set forth in this Section 9-808(2) 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 legal services may be prioritized by income level.*

*(d) The Managing Director 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.*

*(e) Any legal services performed by a designated organization pursuant to this Section shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organizations pursuant to any other program agreement, or contract.*

*(f) 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.*

*(g) On January 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 legal services performed, metrics evaluating outcomes, as well as a summary of the engagement and education of tenants.*

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

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**Explanation:**

*Italics indicate new matter added.*

