

## Legislation Text

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**File #:** 200302, **Version:** 0

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Amending various sections of The Philadelphia Code to address matters related to the landlord and tenant relationship during the novel coronavirus of 2019 pandemic and otherwise, including providing for the temporary waiver of certain fees, and making certain technical changes, all 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

§ 9-802. Definitions.

\* \* \*

(5) Unfair Rental Practice. Any act in violation of [§ 9-804.] §§ 9-804 or 9-809.

\* \* \*

§ 9-809. *COVID-19 Emergency Housing Protections.*

(1) *Definitions. The following definitions apply to this Section 9-809 only:*

(a) *Certification of Hardship.*

(a.1) *In the case of a residential tenant, a written statement submitted by an individual with personal knowledge of the facts set forth therein stating that a residential tenant has lost income due to the pandemic. This written statement does not have to be signed or notarized, and can be in electronic or hard copy form.*

(a.2) *In the case of a commercial tenant, a written statement submitted by an individual with personal knowledge of the facts set forth therein stating that a small business has suffered a small business financial hardship and setting forth facts supporting such financial hardship. This written statement does not have to be*

*signed or notarized, and can be in electronic or hard copy form.*

*(b) COVID-19 emergency period. The period beginning on the effective date of the ordinance adding this Section 9-809 to the Code and ending sixty days after the termination of all declarations of emergency or disaster issued by the Governor of Pennsylvania, the Mayor, or Council related to the 2019 novel Coronavirus ("COVID-19") pandemic, provided that the duration of this emergency period may be further extended by subsequent Council ordinance.*

*(c) COVID-19 financial hardship. A tenant's or tenant's household member's loss of income due to any one or more of the following during the COVID-19 emergency period or the retroactive emergency period:*

*(i) A diagnosis of COVID-19.*

*(ii) The need to quarantine or self-quarantine due to the advice of a health care provider; due to symptoms of COVID-19, such as fever, dry cough, or shortness of breath; after the return of an individual to the United States after travel to a Tier 2 or Tier 3 country as defined by the United States Center for Disease Control ("CDC") with respect to COVID-19; or as the result of having come into contact with an individual who has been diagnosed with COVID-19.*

*(iii) The need to care for a family member or a member of the person's household as the result of such family or household member's diagnosis of COVID-19 or self-quarantine for purposes described in subparagraph 9-809(c)(ii).*

*(iv) The need to care for a family member or a member of the person's household as the result of the closure of a school, daycare, adult care facility, or other care facility where care would otherwise be provided for such family or household member.*

*(v) The inability to work as the result of a requirement by the Governor, the Secretary of Health of the Commonwealth of Pennsylvania, the Mayor, or the Health Commissioner that businesses, or a particular type of business, must remain closed.*

*(vi) The inability to work as the result of such person or such person's household member being at a greater risk of harm than the general population if such person or such person's household member contracts COVID-19, such as those with compromised immune systems, the elderly, or those who have self-quarantined as the result of the recommendation of a health care professional, the CDC, the Governor, the Secretary of Health of the Commonwealth of Pennsylvania, the Mayor, or the Health Commissioner..*

*(vii) The inability to work as a result of a requirement by the Governor, the Secretary of Health of the Commonwealth of Pennsylvania, the Mayor, or the Health Commissioner that residents of certain areas of the Commonwealth must not travel, and such travel would be necessary to report to work.*

*(viii) The loss of a job or hours, whether permanent or temporary.*

*(ix) The inability to commence or obtain employment.*

(x) *The need to financially support a family member due to the family member or a household member of such family member's loss of income for any one or more of the reasons set forth in this subsection 9-809(1)(c).*

(d) *Landlord. An owner of a rental premises and any agent, or other person, operating or managing a rental premise on behalf of an owner.*

(e) *Retroactive emergency period. The period beginning March 1, 2020 and continuing through the effective date of the ordinance adding this Section 9-809 to the Code.*

(f) *Small business. A person that employs fewer than 100 employees.*

(g) *Small Business Financial Hardship. A small business's documented loss of income due to one or more of the following during the COVID-19 emergency period or the retroactive emergency period:*

(i) *A requirement or recommendation by the Governor, the Secretary of Health of the Commonwealth of Pennsylvania, the Mayor, or the Health Commissioner that businesses in a particular area, or a particular type of business, remain fully or partially closed.*

(ii) *The owner or operator, a key employee, or a significant number of employees of the small business being unable to work due as a result of the circumstances set forth in subparagraphs 9-809(1)(c)(i), (ii), (iii), (iv), (vi), or (vii).*

(iii) *The loss of customers as a result of the COVID-19 pandemic, or related recommendations or requirements of the Governor, the Secretary of Health of the Commonwealth of Pennsylvania, the Mayor, or the Health Commissioner.*

(2) *Purpose. This Section 9-809 shall apply in addition to any other provisions in this Chapter 9-800, or any provisions of a lease entered into between a tenant and landlord. If the provisions of this Section 9-809 conflict with any other provisions of Chapter 9-800 or the provisions of any lease that otherwise governs a landlord tenant relationship, the provisions of this Section 9-809 shall control.*

(\*) *Temporary Waiver of Certain Fees.*

(a) *It shall be unlawful for any landlord to charge or accept the payment of late fees, interest on back rent, or similar charges as the result of delinquent payment of rent with respect to a residential premises during the COVID-19 emergency period. Any residential lease purporting to impose such fees, interest, or charges for delinquent payment of rent during the COVID-19 emergency period shall be void and non-enforceable.*

(b) *If a residential tenant has experienced a COVID-19 financial hardship at any point during the retroactive emergency period or the COVID-19 emergency period, the limitations regarding charging or accepting the payment of late fees, interest on back rent, or similar charges under paragraph (a) of this subsection, "Temporary Waiver of Certain Fees," shall apply during both the COVID-19 emergency period*

*and the retroactive emergency period with respect to the premises occupied by such tenant. A residential tenant may establish a presumption that such tenant has suffered a COVID-19 financial hardship by submitting a certification of hardship to such tenant's landlord.*

*(c) Any fees, interest, or similar charges, submitted by a tenant during the retroactive emergency period or the COVID-19 emergency period that are prohibited under paragraph (a) of this subsection, "Temporary Waiver of Certain Fees," shall be credited first against any future rent, and if there is no such other rent, against any other financial obligations owed by such residential tenant to such tenant's landlord.*

*(\*) Defenses. The failure of the landlord to comply with any obligation under this Section 9-809 may be asserted as a defense by a tenant in an action before any adjudicatory body and may not be waived.*

*(\*) Severability. If any provision of this Section 9-809 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.*

\* \* \*

SECTION 2. This ordinance shall be effective immediately, with the exception of any provisions applicable during the retroactive emergency period, as defined in Section 1, which shall be effective as of March 1, 2020.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.