



Legislation Text

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Amending various sections of The Philadelphia Code to address matters related to the landlord and tenant relationship during the Coronavirus of 2019 pandemic and otherwise, including providing for relief to tenants who have been illegally locked out of their residences 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

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CHAPTER 9-800. LANDLORD AND TENANT

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§ 9-804. Unfair Rental Practices.

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(13) Self-Help Eviction. For the purposes of enforcement of Philadelphia Code Chapter 9-1600 Prohibition Against Unlawful Eviction Practices, any action by a landlord, or an agent or any other person on behalf of a landlord, in violation of Section 9-1603 is considered an unfair rental practice under this section 9-804.

[(13)] (14) Any person aggrieved under the provisions of this Section may file a complaint with the Fair Housing Commission or may allege any violations in an initial pleading or, where appropriate, in a responsive pleading in a court of competent jurisdiction.

[(14)] (15) No provision of this Section can be waived or made subject to a contract between the parties depriving a tenant of the benefits of this Section.

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CHAPTER 9-1600. PROHIBITION AGAINST UNLAWFUL EVICTION PRACTICES

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§ 9-1603. Unlawful Self-Help Eviction Actions Prohibited.

(1) No landlord or landlord's agent may engage in self-help eviction practices, as defined in Section 9-1602 of this Chapter, under any circumstances, in the City of Philadelphia. The requisite, legal process for lawful eviction must consist of execution of a judgment of possession entered by a court of competent jurisdiction in accordance with State law. Lawful execution of judgment may be performed only by a Sheriff or court-appointed landlord and tenant officer.

(2) *Any agreement between a landlord and tenant which purports to exempt the landlord from the prohibitions of this Chapter 9-1600 or any penalty imposed hereunder shall be void and unenforceable.*

§ 9-1604. Restoration of Possession.

(1) Where the tenant alleges a violation of this Chapter, the tenant may contact the local police to obtain police assistance in regaining entry into the premises. It shall be the duty of the landlord or the landlord's agent to establish that the eviction action undertaken was lawful by making available to the Police Department a copy of the relevant writ of possession or by verifying the existence of the writ to the Police Department, the Sheriff or the court-appointed landlord-tenant officer for verification thereof. The Sheriff and/or the court-appointed landlord/tenant officers shall maintain records of all current executions of writs issued by the Court so that verification of legal process may be readily obtained. Where the landlord is unable to produce a copy of the relevant proof of lawful execution of a judgement of possession or other verification thereof, the tenant shall be entitled to regain possession of the premises immediately and the landlord shall be prohibited from blocking or inhibiting re-entry in any way.

(2) *Any tenant who is restored possession of a premises as described under this Section, shall have the right to terminate the lease agreement without any penalty, including any early termination fees that may otherwise be applicable to such termination, within 30 days of being restored possession.*

§ 9-1605 Penalties.

(1) Any person who engages in the self-help eviction activities described in this Chapter or who assists in such activities shall be subject to a fine or penalty of not less than one hundred (100) dollars nor more than three hundred (300) dollars, or to imprisonment not exceeding ninety (90) days for each offense. Each day a violation continues or is permitted to continue shall constitute a separate offense for which a separate penalty shall be imposed. A violation shall cease when the unlawful conduct as set forth in paragraph (1)(a) ends or when the tenant no longer seeks to exercise his or her rights by regaining possession of said premises.

(2) *Private Right of Action. An individual who has been the victim of an unlawful eviction practice under this Chapter 9-1600 shall have a private right of action against any landlord who violates Section 9-1603, directly or through an agent, and may recover, for each such violation, actual damages, reasonable attorneys' fees and court costs to the extent allowed by law, punitive damages not to exceed \$2,000 per violation, and such other relief, including injunctive relief, as the court may deem appropriate. This subsection in no way limits the rights of private parties to pursue any legal rights and claims they may possess under a written agreement or any other applicable law.*

(3) *Subsequent or repeated violations, which are not committed contemporaneously with the initial violation, shall be treated as separate causes of action and shall be subject to separate award of damages under Section 9-1605 (2).*

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SECTION 2. This Ordinance shall be effective immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.