

## Legislation Text

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Authorizing the City Council Committee on Housing, Neighborhood Development, and the Homeless to hold hearings on the role and responsibilities of Philadelphia's Landlord-Tenant Officer position; the policies and procedures it manages in the eviction process, particularly around writs of service; and clarifying oversight, ethics, and public accountability for the Landlord-Tenant Office.

WHEREAS, The City of Philadelphia has long experienced an eviction crisis, with approximately one in fourteen renters confronted with a court-recorded eviction filing each year. According to the Mayor's Taskforce on Eviction Prevention and Response, Philadelphia ranks second among all major cities in eviction filings that lead to displacement; and

WHEREAS, According to The Reinvestment Fund, the City's eviction crisis disproportionately affects families of color. Of those who have sought assistance from Philadelphia's Eviction Prevention Project, a City Council-funded program that provides comprehensive assistance to those facing eviction, 74 percent are Black, 70 percent are women, and over half are parents or caregivers; and

WHEREAS, COVID-19 has exacerbated the racial disparities and the state of housing instability across the City of Philadelphia, as thousands of renters struggle to meet their obligations in the face of an economic downturn and widespread public health uncertainty. In May 2020 the *Philadelphia Inquirer* reported that in Philadelphia, Black patients are dying from COVID-19 at a rate more than 30% higher than the death rate, and in July it further reported that Black and Hispanic women in Philadelphia are being infected at rates five times higher than their white counterparts; and

WHEREAS, In June 2020, Philadelphia City Council unanimously passed a package of ordinances-the Emergency Housing Protection Act-to protect countless families from being displaced and therefore at increased risk of contracting COVID-19. The package of laws went into effect the following month; and

WHEREAS, Due to COVID-19, the importance of notice to tenants of an upcoming eviction hearing or lockout is of heightened importance. Tenants must not be denied an opportunity to engage with the judicial system to possibly prevent eviction through resolution of their case. New programs and protections are being created at the local, state and federal level - such as the Center for Disease Control's nationwide eviction ban for nonpayment of rent - and tenants have a right to be notified of, understand and assert their rights under these protections. At the very least tenants deserve advance warning of an imminent eviction in order to make plans and avoid homelessness in the midst of a pandemic; and

WHEREAS, Already approximately 53% of all lockouts stem from default judgments, indicating the likelihood that many tenants are surprised by a lockout. According to a 2020 study by the Sheller Center for Social Justice at Temple University School of Law, one in five tenants claimed they had never received notice of their hearing; and

WHEREAS, The Landlord-Tenant Office was created in 1970 and the City's Landlord-Tenant Officer is appointed by First Judicial District leadership and operates as a private law firm, not a public entity. The

Landlord-Tenant Officer may subcontract its responsibilities to a Deputy Landlord-Tenant Officer, who is not publicly disclosed. In every other county in Pennsylvania, this function is conducted by an elected office; and

WHEREAS, In this role, the Landlord-Tenant Officer has the responsibility to manage eviction-related paperwork and hire personnel, who have the right to bear firearms, to facilitate the removal of renters and their families from their homes. According to Philadelphia Municipal Court Civil Division Rule 126, the Landlord-Tenant Officer “may serve and enforce” writs of Possession, which notify renters that an eviction may take place, and Alias Writs of Possession, which allow for renters and their families to be physically evicted and locked out of their homes; and

WHEREAS, Multiple entities have raised concern about the role and efficacy of the Landlord-Tenant office and the accurate delivery of services of writs. In its 2018 report, the Mayor’s Taskforce on Eviction Prevention and Response critiqued the servicing of writs, emphasizing the importance of tenants knowing about their eviction case and of an impending lockout: “The legal process of eviction is complex, burdensome, and does not necessarily lead to good outcomes, prompting the need for changes to legal processes and policies.” The report specifically identified reforming services of process as one of its 17 recommendations and laid out multiple suggestions for improvement; and

WHEREAS, In May 2019, the Philadelphia Bar Association formally adopted a resolution proposing a number of reforms in the eviction process, including recommendations that writs of possession, and returns of service be both mailed and physically handed to tenants. The Bar Association resolution also urged Philadelphia Municipal Court “to study the effect, if any, of a GPS time/date stamped photograph being taken at the time that service of a landlord-tenant complaint or writ of possession is made by posting and attached to the return of service”; and

WHEREAS, In July 2020, the *Philadelphia Inquirer* Editorial Board called for the courts to “introduce transparency to the process” by adopting the Philadelphia Bar Association and Mayor’s Task Force recommendations; and

WHEREAS, Two recent investigations in 2020 by WHYY’s PlanPhilly and the *Philadelphia Inquirer* raised questions about the Landlord-Tenant Office’s documentation of writs of service, and also revealed concerning conflicts of interest between the court’s commitment to ethics and fairness and the Landlord-Tenant Officer; and

WHEREAS, The Court does not require that services of writs of possession be included as part of the court docket, making it harder to confirm or disprove claims of receipt of writs. There is no document or timestamp for whether the writ of possession is served, how it was serviced, and by whom. There is also no documentation of who executes the final lockout; and

WHEREAS, According to a July 24, 2020, WHYY investigation, from 2017 to 2019, the Landlord-Tenant Officer issued 16,984 households Alias Writs of Possession. In an interview with WHYY, the Court’s current Landlord-Tenant Officer specifically stated that she does not inform tenants of the date of their lockout, claiming: “It is the policy of the office not to disclose the date and time of the eviction to the tenant in order to protect the safety of tenants, landlords, and their representatives and Deputy Landlord-Tenant Officers”; and

WHEREAS, While Mayor Kenney, the courts, and City Council have worked collaboratively to prevent an onslaught of evictions, the COVID crisis presents an opportunity to reform the system and to ensure that evictions are executed with the highest degree of fairness and professionalism in process and procedure; now,

therefore, be it

RESOLVED, That the City Council Committee on Housing, Neighborhood Development, and the Homeless hold hearings on the role and responsibilities of Philadelphia's Landlord-Tenant Officer position; the policies and procedures it manages in the eviction process, particularly around writs of service; and clarifying oversight, ethics, and public accountability for the Landlord-Tenant Office.