

Legislation Text

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Amending Chapter 9-800 of The Philadelphia Code, entitled “Landlord and Tenant,” to provide for an eviction diversion program, to make associated changes related to the landlord and tenant relationship, and making certain technical changes, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 9-800 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-800. LANDLORD AND TENANT

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§ 9-811. *Eviction Diversion Program.*

(1) *Authorization and Program Structure.* The Department of Planning and Development, or such other City department or office as the Mayor may designate, is authorized to continue operating a pre-filing residential eviction diversion program to facilitate dispute resolution between landlords and tenants or acquisition of rental assistance, if available. Landlords shall enroll in the eviction diversion program by completing an application for rental assistance or similar financial assistance, or in such other manner as directed by the Department. It is not Council’s expectation that the diversion program will continue unless sufficient funding is available.

(2) So long as the City is running a pre-filing eviction diversion program consistent with subsection (1), above, that includes rental assistance funds, no landlord shall have a lawful basis to evict a tenant unless the landlord has complied with the following requirements:

(a) The landlord has enrolled with the eviction diversion program consistent with subsection (1), and provided a notice of diversion rights to the tenant consistent with subsection (6); and

(b) The landlord has participated in the eviction diversion program in reasonable good faith, as defined by the City, for no less than forty-five (45) days; provided that such landlord shall thereafter continue to participate in the eviction diversion program in reasonable good faith.

(3) If at any time the financial rental assistance portion of the eviction diversion program is in a hiatus status due to lack of available funds, no landlord shall have a lawful basis to evict a tenant unless the landlord has complied with the following requirements:

(a) The landlord has enrolled with the eviction diversion program in the manner directed by the Department of Planning and Development and provided a notice of diversion rights to the tenant consistent

with subsection (6), below, both concurrently with serving any notice to vacate on the tenant; and

(b) *The landlord has participated in the eviction diversion program in reasonable good faith, as defined by the City, for no less than thirty (30) days; provided that the landlord shall thereafter continue to participate in the diversion program in reasonable good faith.*

(4) *Exceptions. Subsections (2) and (3) shall not apply if eviction is necessary to cease or prevent an imminent threat of harm by the person being evicted, including physical harm or harassment.*

(5) *Lawful Basis to Evict Required. Except as specifically authorized in this Section 9-811, no landlord shall take any step to evict a tenant or otherwise in furtherance of recovering possession of a residential property occupied by a tenant unless such landlord has a lawful basis to evict the tenant at the time such step is taken.*

(6) *Notice, Forms, and Regulation.*

(a) *Required Notice. The notice a landlord is required to provide a tenant under this Section 9-811 shall be provided in writing, by hand delivery or mail with proof of mailing, and must provide notice of the tenant's right to engage in diversion under this Section 9-811, as well as clear information on how the tenant may exercise such rights, including such specific text or such other language that may be included in a form created by the City pursuant to subsection (6)(b), "Forms and Regulations," (below).*

(b) *Forms and Regulations. The Department of Planning and Development, or such other City department or office as the Mayor may designate, is authorized to issue regulations implementing and interpreting this Section 9-811 and to create forms to be used by landlords and tenants under this Section 9-811, including, but not limited to, a form of required notice. The Department shall work with appropriate stakeholders to develop and further enhance the diversion program, including ensuring periodic independent evaluation of the program.*

(7) *Defenses. The failure of a landlord to comply with any obligation under this Section 9-811 may be asserted as a defense by a tenant in an action before any adjudicatory body; may, in the court's discretion, be a basis for sua sponte dismissal of an action; and may not be waived.*

(8) *Effective Dates. This Section 9-811 shall be effective January 1, 2022 and shall expire December 31, 2022.*