



TESTIMONY OF COMMUNITY LEGAL SERVICES OF PHILADELPHIA ON
PHILADELPHIA EVICTION CRISIS

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Good afternoon, my name is Rasheedah Phillips, and I am a member of the Civil Gideon and Access to Justice Task Force and the Managing Attorney of the Housing Unit at Community Legal Services, which provides free legal advice and representation to over 2,000 low-income tenants living in private and subsidized housing in Philadelphia each year, as well as significant advocacy locally, statewide, and nationally around affordable housing and protection of tenant rights. I have personally represented a multitude of tenants in housing court. We are grateful to have worked with City Council for several decades to protect tenants and promote safe, affordable housing. Thank you for the opportunity to testify on Philadelphia's eviction crisis today.

In our City of Brotherly Love, every night, the shelters are filled to capacity with 3,000 homeless men and women and about 1,000 children—while hundreds more are turned away. Philadelphia finds 900 or more of its citizens sleeping on city streets every night. The majority of these people are young, Black, single mothers and their children, survivors of domestic violence or sexual assault, physically disabled, or experiencing poor mental health, while most of them face one thing in common: they have been evicted from their homes. Eviction is one of the leading causes of homelessness in the United States, and in Philadelphia in particular.

Low-income families and individuals who lose their homes through eviction often end up in homeless shelters or in housing that is less affordable than the housing they must leave. Homelessness results in cost burdens on the city of Philadelphia in providing shelter and social services - approximately \$80 million dollars is spent by the city each year on shelter costs, medical transportation, and physical health care. On top of this are the costs that we do not see - victims who stay with their abusers because they have nowhere else to go, children who fall behind in school because they do not have a safe place to sleep, recovering addicts who relapse because they do not have a stable home base from which to attend appointments and get their lives back together.

Housing is a primary need of survivors of domestic violence and sexual assault and a critical component in survivors' long-term safety and stability; yet, interpersonal violence is consistently identified as a significant factor in homelessness: an alarming 92% of homeless women report having experienced severe physical or sexual violence at some point in their lives, and upwards



of 50% of all homeless women report that domestic violence was the immediate cause of their homelessness.

Homelessness, eviction, and substandard housing conditions are inextricably interconnected, with many families at risk of eviction facing one or more habitability issues. Among very low income renters, for instance, HUD finds that 7.7 million households in 2013 were either living in substandard housing and/or paying more than half their monthly income in rent. Substandard housing conditions forces families to abandon the daily routines of home life, from attending school and work, to accessing health care and maintaining a safe environment. Children are at risk of asthma, infectious disease, developmental delays, and behavioral problems. Homelessness or precarious housing arrangements put family members at risk of trauma or abuse, leading to behavioral health problems that cut across generations. Substandard housing conditions create substantial health and safety risks to families, children and all Philadelphians.

Habitability and housing quality issues also cost more for the lowest income households; habitability expenses, medical expenses related to substandard conditions, taking off work, legal expenses, and higher utility expenses because of repair issues and faulty equipment further impact upon a low-income tenant's ability to keep up with rent and other household expenses, causing many tenants to become at risk of eviction. These same tenants fear retaliation from their landlord or property manager if they complain about conditions or attempt to access their rights and remedies as provided for in their lease or by law.

The consequences of eviction go far beyond temporary displacement and loss of shelter. Judgments based on evictions lead to loss of housing benefits and compromise the ability to get into housing, private or subsidized, for the rest of one's life, leading to dangerous cycles of poverty and instability. Unlike a criminal record, there is virtually no possibility of getting an eviction filing off of your credit or tenancy record, even if you are able to get the judgment satisfied or vacated. In a city with a growing deficit of affordable housing, with lack of affordable housing we should be greatly concerned. The affordable housing deficit is particularly pronounced and growing in Philadelphia, which is experiencing rising housing costs and rents. Lack of affordable housing has been consistently identified as one of the leading causes of homelessness among families with children, and the legal system can be punitive toward people who cannot afford housing.

The eviction and affordability crisis becomes compounded by a lack of meaningful access to attorneys and the court system. Of the approximately 24,000 eviction actions filed in Philadelphia Landlord-Tenant court each year, approximately 81% of landlords have legal counsel, while only 8% of tenants are represented – and only 1.45 % of tenants involved in eviction cases were represented by a Philadelphia legal aid provider. This disparity results in part from the fact that there are only the equivalent six and a half full time legal aid attorneys in Philadelphia to provide full legal representation to tenants in landlord tenant cases filed in



Municipal Court. Due to lack of resources and capacity, the 5 - 6 public interest attorneys who do provide free tenant representation to low-income tenants are often unable to meet the volume of need.

In comparison, in the District of Columbia, seven different legal aid providers employ 25 full-time legal aid attorneys focused on eviction defense and another 10 attorneys employed who focus on other rental issues, such as housing conditions and rental subsidies. Over 33,000 eviction cases were filed in D.C. last year, but between 40-50% were dismissed on or before the first court date. D.C. also has in place a robust continuum of supplemental legal services provided by a court-based Help Center, volunteer Lawyer for the Day program and a law student clinic.

Any tenant, no matter how smart or capable, is going to have a hard time winning when faced with opposing counsel. This power imbalance alone renders the court process unfair. Due to illiteracy, language barriers, disability, mental health, and other challenges navigating the complex legal system becomes nearly impossible for most low-income tenants. Tenants without access to legal counsel often lose their homes simply because they do not understand legal procedures, such as how to file or properly draft an appeal to stay an eviction. Unlike their landlords, who typically come to court as repeat players with attorneys at their disposal, most tenants have very little knowledge of how to prepare and present their housing situation in court. Beyond tenants' lack of information and anxieties about an unfamiliar process, most tenants are so intimidated and unfamiliar with the process that they agree to having judgments entered against them, requiring them to pay thousands of dollars they do not owe (thereby ruining their credit) and waiving the right to remain in their homes. Judgments mean loss of housing vouchers, ineligibility for other public housing programs, and ineligibility for private housing.

Reviews of Philadelphia Municipal Court data has shown that tenants with attorneys are far less likely to be evicted, while other studies and housing experts have widely acknowledged that providing legal aid to families and individuals facing eviction, lock-out, or substandard housing conditions can significantly prevent homelessness by allowing tenants stay in their homes, secure repairs or negotiate smooth transitions to safe, affordable housing. See attached Exhibit "A."

Attorneys help tenants navigate the court process, negotiate agreements to stay or time to move, and in some cases, can negotiate rental agreements that can fit a tenant's budget. Tenants don't end up with judgments or can negotiate better outcomes that don't bar them from future housing, ensuring access to future affordable housing. Investing in eviction prevention, including an increase in rental assistance funds and investing in a right to counsel for tenants, is cost effective and is the one of the best measures to prevent evictions, housing instability, and homelessness. As an attached chart shows, we estimate that the work of the dedicated legal services attorneys and volunteers providing representation to low-income tenants has an impact of \$13 million on



our City, in addition to preventing the less tangible costs of homelessness, including the disruption in schooling, the loss of work, and declining physical and behavioral health. An independent Economic Impact Study commissioned by the Pennsylvania Interest on Lawyers Trust Account (IOLTA) Board, found that for each dollar spent on legal aid, there is an \$11 return to Pennsylvania and its residents, saving costs associated with domestic violence, foster care, child custody, housing, health care, crime and imprisonment. This study also estimated that legal aid saved taxpayers \$111 million in emergency shelter costs by helping 7,534 families avoid homelessness between 2007 and 2011.

Legal aid is an effective tool to fight evictions and reduce homelessness in Philadelphia and it is cost effective. Beyond the substantial benefits of legal aid for individual low-income renters, legal aid also benefits our neighborhoods, improves the efficiency of our court system and saves taxpayer money. Representing tenants in housing conditions cases prevents neighborhood disrepair by helping to enforce laws that require landlords to maintain their properties. Effective tenant representation improves courtroom efficiency by holding landlords accountable for frivolous or unconscionable agreements and cutting down on procedural delays caused by pro se tenants filing inappropriate or inadequate petitions.

We are on the brink of being able to launch an exciting series of reforms that would go a long way towards achieving our mission: to provide legal representation to every low-income tenant who needs it and to improve the condition of rental housing in Philadelphia. To that end, we would be pleased to present several innovative initiatives that, if adequately funded, would bring us closer to these goals. We would also be pleased to present several regulatory and administrative proposals targeted at better enforcement of housing Code provisions and the generation of increased City revenues.