



SeniorLAW Center

Seeking Justice for Older People

Public Comment to City Council Housing and Community Development Committee

Hearing on Eviction Diversion Program

File #240245

May 22, 2024

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Introduction:

Thank you for this opportunity to submit written testimony regarding the permanent extension of the Eviction Diversion Program in Philadelphia. I am Adam Weintraub-Barth, Senior Attorney in the Tenant Rights Project at SeniorLAW Center. At SeniorLAW Center, we seek justice for older adults by using the power of the law, educating the community, and advocating on local, state, and national levels. We are the only nonprofit organization in Pennsylvania whose mission is dedicated solely to providing legal services to older persons – and one of very few in the nation. We provide free legal assistance to thousands of older people each year, including victims of elder abuse and financial exploitation, older homeowners facing housing crises and homelessness, grandparents raising grandchildren, and older individuals facing undue or neglect in guardianship.

Our Tenant Rights Project provides representation and advocacy to tenants facing various Landlord-Tenant issues including evictions, ejections, Fair Housing Commission complaints, as well as those going through the Eviction Diversion Program.

Support for Eviction Diversion:

Since the creation of the Eviction Diversion Program in 2020, thousands of tenants have been able to stay in their homes or otherwise reach amicable agreements to avoid going to court. We strongly support the permanent extension of the Eviction Diversion Program. This extension is likely to prevent thousands of evictions and keep tenants in their homes. Importantly though, it will also save Philadelphia Tenants countless unnecessary hours in court, hours of missed work, family and personal obligations, and stress for tenants having to go to court hearings that were simple enough to resolve through diversion. As representatives of older adults, these incidental benefits of eviction diversion and successful outcomes from diversion are truly life-changing and life-saving for our clients. Older tenants are more likely to be disabled, frail, or in poorer health than younger tenants and housing has enormous impact on their health, safety, security, and independence, to age in place, versus being institutionalized or homeless on the street.

To put it simply, Eviction Diversion has been an incredible success. There are many people to credit for this success including you, the City Council, for boldly enacting the legislation during

the worst of the COVID-19 pandemic. We are also grateful for the hard-working staff and volunteers at CORA Good Shepherd and our colleagues at Philadelphia Legal Assistance and Community Legal Services who have done a lot of behind-the-scenes work to ensure its success. As is, most eviction cases result in a settlement, and only a small percentage result in a hearing in front of a judge. Eviction Diversion enables the court to deal with fewer cases, allowing the court to devote its time to more complex and adversarial matters.

We're further encouraged by the availability of rental assistance, the Targeted Financial Assistance Program available only through the Eviction Diversion Program. We hope that the Council and Mayor continue to provide funding for rental assistance available both through the diversion program and otherwise, and hope that the funding keeps up with the rising cost of rent for tenants. Targeted Financial Assistance provides an incentive for landlords and tenants to participate in Eviction Diversion and can be a lifeline for both parties.

We have had many successes both directly representing clients in the program and also providing information and legal advice to clients as they navigate the program themselves. One of the positive aspects of Eviction Diversion is that it allows tenants a level of anonymity with their problems. Their issues do not get raised in an open court nor do their landlords' unproven allegations against them create permanent public records available for anyone to view. As a result of this, tenants who previously made diversion agreements and remain in their units are somewhat reluctant to come out in the open and discuss their success stories over concerns that anything might "rock the boat" with their landlord. Others who were able to negotiate amicable move-out agreements through diversion expressed to us that the program allowed them to remain anonymous and get a fresh start in a new home without the stain of an eviction court filing, and for that reason, understandably, wanted to close that chapter of their lives and keep it closed.

While I exclusively represent tenants, others at SeniorLAW Center represent and assist homeowners and landlords. Eviction Diversion has been a success for both tenants and landlords. No one is forced to agree to anything, and the Eviction Diversion staff assists parties in finding common ground to the benefit of all parties. I explain to my clients at the outset of representation in a diversion matter that there is no finding of right or wrong in diversion; rather our goal is to see if we can work to find common ground and find an agreement that works for everyone.

Landlords are not obligated to do anything other than negotiate and discuss the matter in good faith. Incredibly, an opportunity for both sides to simply discuss and work out their issues in good faith has saved thousands from eviction and will save thousands more.

While we strongly encourage the City Council to enact this legislation, I wanted to take a moment to mention that there are some frustrations our clients have endured in the program. We have seen cases where landlords send individuals to represent them in diversion mediations who are unfamiliar with the facts of the case and often do not have settlement authority. Other tenants have been directed to the “direct negotiation” pathway where they are instructed to negotiate directly with the landlord or their attorneys, and often are met with radio silence. Perhaps the worst and most frustrating situation is for the tenants who go through diversion, reach an agreement and their landlord still files a case in court against them. We hope you will consider these issues in the future, but we think there is no better way to work on improvements to the program than first making the program permanent.

Conclusion:

We strongly encourage the enactment of this legislation to make the Eviction Diversion Program permanent and would also welcome the opportunity to work with the Council to find ways to continue to improve the program in the future and help the Philadelphia Eviction Diversion Program reach its full potential in benefitting both tenants and landlords. Thank you.