



SeniorLAW Center

Seeking Justice for Older People

Public Comment to City Council
Committee on Housing, Neighborhood Development and The Homeless

Hearing on Source of Income Discrimination Prohibitions

File # 240060

May 29, 2024

Vilna Waldron Gaston
Staff Attorney, Tenant Rights

SeniorLAW Center
1650 Arch Street, Suite 1820
Philadelphia, PA 19103

215-701-3207(direct)

215-988-1244 (general)

1-877-727-7529 Pennsylvania SeniorLAW Helpline

www.seniorlawcenter.org

Introduction:

Thank you for this opportunity to testify regarding proposed legislation that would clarify and enhance protections against housing discrimination for housing assistance program participants in Philadelphia.

I am Vilna Waldron Gaston, Staff 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, ejectments, Fair Housing Commission complaints, as well as providing advice to tenants regarding the Renters' Access Act.

We Support the City Council's Initiative to Strengthen Prohibitions Against Discrimination Based on Source of Income:

The Philadelphia Code already prohibits housing discrimination, including based on “source of income.”¹ . Such discrimination would encompass “refus[ing] to sell, rent, or lease or otherwise discriminate in the terms, conditions, or privileges of the sale, rental, or lease of any housing accommodation” on the basis of source of income.²

In turn, “source of income” is already broadly defined as “any lawful source of income, and shall include, but not be limited to, earned income, child support, alimony, insurance and pension proceeds; all forms of public assistance, including Temporary Assistance for Needy Families; and housing assistance programs.”³ The proposed legislation would clarify that definition, by

¹ Section 9-1108

² *Id.* 9-1108 (a)

³ Philadelphia Code, Section 9-1100 (cc).

specifically adding the Housing Choice Voucher program as an example of a housing assistance program.

Thus, City Council already took action to enact legislation to outlaw discrimination against both current tenants and applicants for rental housing where such discrimination was based on their status as recipients of housing financial aid. But notwithstanding the clear prohibitions, discrimination continues against both applicants for housing and existing tenants based on their source of income.

SeniorLAW Center is on the front line of the housing crisis, representing tenants through both the Eviction Diversion mediation process and in court hearings seeking to prevent homelessness. We also advise tenants regarding their rights under Renters' Access Act when applying for housing. As such, we often engage with older tenants while they are looking for housing, either as part of the eviction process or because of other problems they are having with a landlord. These tenants regularly report that they are having trouble finding a landlord that accepts their rent subsidy. We also have cases where the landlord seeks to terminate the lease shortly after PHA directs them to make repairs to address habitability violations found at the rental premises. Based on our experience in representing tenants, many landlords either do not understand that the discrimination prohibitions of Section 9-1100 extend to the Housing Choice Voucher program and all rental assistance programs, or are simply indifferent to their violation of the law.

The exclusion of tenants from eligibility for housing solely based on their receipt of Housing Choice Voucher assistance has a profound negative impact on tenants, especially older tenants in several ways.

Housing Choice Vouchers and other ongoing rental subsidies are lifesaving for tenants, particularly the older adults on fixed incomes who we represent. They guarantee that a landlord can get paid a market rate for the rental of the unit, thus ensuring they have the means to maintain the premises. They also ensure that, as households nationwide are spending more and more of their income on rent, voucher holders are guaranteed to only spend about one third of their income on rent. For an older adult on a fixed income, this is usually the difference between being safely housed and being homeless. However, in order for tenants to be able to take full advantage of this program, landlords have to be willing to rent to them.

Given the current environment of increasing rents not keeping up with income for the older population we serve, the pool of available affordable units for rent is already limited. Discrimination based on source of income only further restricts availability, in turn reducing the housing “opportunity” of voucher holders as compared to non-voucher holders. Consequently, voucher holders may be forced to accept less desirable units, move outside their current communities, or face homelessness. The risk and immediacy of homelessness increases if the tenant is also in the eviction process. This resulting housing insecurity is detrimental to the tenant and his or her family and to society as a whole.

Alarmingly, many landlords also refuse to rent to voucher holders because of the housing quality inspections and standards that are required. Though all tenants have a legal right to safe and habitable housing, the reality is much more complex. Uniquely, landlords with voucher recipients have to pass initial inspections and correct any issues identified at the outset before they can commence the lease. Perhaps more importantly, if issues are identified by tenants and reported to the Housing Authority or identified by the Housing Authority during routine inspections, the Housing Authority has the right to abate, or stop paying their portion of the rent until the problem is fixed. Under the law, tenants can never be held legally responsible or evicted for these stopped payments, and it is therefore one of the strongest, and, sometimes, only way that tenants can get their landlords to actually correct problems and maintain their properties. By strengthening the protections for voucher holders through this Bill, the City is indirectly taking a strong position in support of safe and habitable housing for tenants.

There is a particularly adverse impact on older tenants who are deprived of an opportunity to age in place and must uproot themselves in search of a landlord who accepts housing choice vouchers. Many of these tenants are afraid of moving to unfamiliar communities. Some of these tenants are on waiting lists for senior housing, but must find other housing in the interim. Others prefer to continue living in the same communities where they know their neighbors and pharmacists, and are closer to their doctors.

For these reasons, SeniorLAW Center applauds the step being taken by City Counsel to clarify that the prohibitions do apply to Housing Choice Vouchers. Housing is a fundamental and,

arguably, human right of all individuals, and no individual should be denied housing simply because the rent payment is coming from one source rather than another.

In addition, SeniorLAW Center supports the changes that prohibit the landlord from negatively impacting the voucher eligibility of tenants simply by refusing to cooperate. Landlords sometimes fail to submit required paperwork, leaving tenants at risk of losing their housing. In addition, landlords sometimes refuse to make required repairs so that the property can fail inspection, ultimately leading to the removal of the property from the voucher program, and, in turn, the eviction of the tenant. Newly proposed Sections 9-1108 (m) and (n) address these situations involving a landlord's non-cooperation by specifically requiring landlords to cooperate in "completing and submitting required information and documentation" for such rental assistance programs.

Finally, we wholeheartedly support the language in Bill No. 240060 that would strengthen the private right of action against landlords who violate the anti-discrimination rules. Most notably, the Bill Acould significantly reduce the waiting period for a private right of action from one year to 100 days from the filing of a complaint with the Philadelphia Commission on Human Relations ("PCHR"). Further, if the PCHR has not ruled in 100 days on a complaint asserting a housing practice violation, the tenant can ask the PCHR to issue a Notice of the Right to Sue. This is a major improvement that recognizes the critical nature of housing in a person's life. One year is far too long for an aggrieved tenant to wait for relief given their continued housing insecurity. We also think that it will add some teeth in enforcing the anti-discrimination laws and holding landlords accountable.

Conclusion:

We strongly support the enactment of this legislation to both clarify and enhance existing housing discrimination prohibitions including those regarding discrimination based on source of income. The goal is to ensure non-discriminatory housing access and enjoyment for all Philadelphians, regardless of the source of the rent payment. The clarifications will make it easier to enforce the existing law and hold landlords accountable for any noncompliance. We look forward to the enactment of amendments and where feasible, we will continue to work with

Council on future legislative improvements to this and other laws, especially as they impact older Philadelphians.

Thank you.