COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON HOUSING, NEIGHBORHOOD

DEVELOPMENT, AND THE HOMELESS

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, May 29, 2024
10:18 a.m.

PRESENT:
COUNCILMEMBER JAMIE GAUTHIER, CHAIR
COUNCILMEMBER MICHAEL DRISCOLL
COUNCILMEMBER RUE LANDAU
COUNCILMEMBER MARK SQUILLA

BILL 240060 - An ordinance amending Chapter 9-1100 of The Philadelphia Code, entitled "Fair Practices Ordinance: Protections Against Unlawful Discrimination," to clarify and enhance protections against housing discrimination for housing assistance program participants..."

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COUNCILMEMBER GAUTHIER: Hello, everyone. I now note that the hour has come and this hearing is called to order. This is a public hearing of the City Council Committee on Housing, Neighborhood Development, and the Homeless. The purpose of this public hearing is to hear testimony on Bill No. 240060.

Ms. Jones, would you please call the roll.

THE CLERK: Councilmember Driscoll.

COUNCILMEMBER DRISCOLL: Present.

THE CLERK: Councilmember Squilla.

COUNCILMEMBER SQUILLA: Present.

THE CLERK: Vice Chair Landau.

COUNCILMEMBER LANDAU: Present.

THE CLERK: Chair Gauthier.

COUNCILMEMBER GAUTHIER: Present.

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I note for the record that a quorum of this Committee is present and this hearing is called to order.

Good morning, everyone. I'm grateful that today our Committee will be considering Bill No. 240060, which clarifies protections against housing discrimination for housing assistance program participants, particularly voucher holders.

When my childhood best friend became a teenage mom and needed somewhere to live on a tight budget, she applied for and received a housing voucher. Being housing secure allowed my friend to focus on her future. She earned multiple master's degrees and has been a longtime public school teacher.

This story isn't an anomaly. It's just one example of the tens of thousands of Black and brown Philadelphians, many of whom are single Black mothers, who lifted themselves out of poverty because they had affordable

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housing when they needed it the most.

But today, illegal but tolerated discrimination undermines housing vouchers. A quarter to one-third of voucher holders cannot put their voucher to use. This means working families have no choice but to surrender their voucher, along with hundreds of dollars in rental assistance each month that they're entitled to by law.

Philadelphia landlords overwhelmingly ignore the law and openly discriminate against voucher holders, preventing our neighbors from accessing the safe, stable, and affordable homes that are crucial for a successful life, healthy communities, and a vibrant city. The City of Philadelphia cannot turn a blind eye to this injustice. We must tighten existing protections and get needy families into housing.

The bill we are considering today does just that. It amends Philadelphia's Fair Practice Ordinance as

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it relates to source of income discrimination, which I understand was a pioneer as one of the first of its kind in the nation, and it brings our Fair Practices Ordinance in line with others nationwide by providing important clarity and updates.

The bill does not actually change the anti-discrimination law, but rather makes what is already illegal clearer, which is that property owners and managers cannot discriminate against residents using housing vouchers, whether we are talking about explicitly advertised discrimination or landlords intentionally slow-rolling repairs and paperwork to prevent a voucher holder from renting a unit.

The bill also changes when private right of action kicks in if aggrieved households are working with legal assistance.

I also have an amendment this morning that clarifies that these

proposed changes only relate to housing discrimination matters specifically. My amendment also adds a three-month effective date to allow the Philadelphia Commission on Human Relations additional time to make any necessary modifications to their current implementation practices, and it aligns the private right of action procedure to be more akin to that in the Renters' Access Act, which does not require PCHR review if aggrieved residents obtain legal assistance.

This bill is necessary because, sadly, we know these practices hurt voucher holders -- we know that these practices that hurt voucher holders are very real. A recent local study found that 67 percent of landlords citywide refuse to accept housing vouchers. In low poverty neighborhoods, this number jumps to 83 percent.

This legislation is a direct result of some of the recommendations that came out of an exploratory hearing I

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held in this Committee last year. We cannot sit on our hands while literally thousands of families who are entitled to this precious financial resource are illegally prevented from accessing safe, stable, and affordable homes.

These vouchers represent some of the largest and most direct needs we have to combat our city's affordable housing crisis, and we know that cities with strong source of income discrimination laws see higher voucher utilization rates.

In a climate where we are losing hundreds of low-cost apartments every year and gaining hundreds more high-priced ones in their stead, vouchers are one of our best tools to level the playing field for working families.

While I know that any government program can come with challenges, vouchers provide property owners with consistent and sometimes higher than market-rate payments, making

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them a win-win-win for government, property owners, and families alike.

Thank you, and I very much look forward to the discussion.

Do any of my colleagues have any opening remarks?

COUNCILMEMBER LANDAU: Thank you, Chair Gauthier.

This is just the second time in the same month where my worlds have come together in such a great way, where as a former housing lawyer at CLS where I represented low-income tenants, all subsidized tenants, for ten years and then oversaw the Human Relations Commission for 12 years. This is exactly the way in which our laws need to work and that our legislative body needs to step in to make things more explicit at times when it's not crystal clear to landlords that you cannot discriminate against people based on source of income, including having vouchers.

If you look back to the time

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when I was a lawyer at CLS, there were many more public housing units than there are now, but times have changed from the way HUD works and what they want to fund and the Housing Authority itself that there's more people that are getting vouchers now and are allowed to go out, shop around, and go find their own place to live, their own subsidized housing no matter where it is in Philadelphia.

But we have seen time and time again landlords turning away people with vouchers, saying that they don't rent to people with vouchers, and that is just wrong, it is illegal, it is unfair, it is discriminatory, and it's for the -- for our city that tends to be segregated by race, it is also extremely discriminatory and underscores and underlines the segregation that has occurred.

Vouchers should be people's passes to move from one neighborhood to another, to rent to wherever they can within that income guidelines. It should

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be a place where they can flee harm, where they can find a new beginning or where they can establish their roots, but if we have landlords saying no illegally to people using their vouchers, we can't ever have tenants have the freedom that they should have, that they deserve, that this is just a small subsidy for low-income folks when we know that the City's wages have not risen throughout -- for workers in Philadelphia, the wages have not risen to the point where people can just feel like they can rent wherever.

People need vouchers simply to subsidize their rent so they can keep on with their jobs, keep their kids in their schools, keep staying a fabric -- a part of the fabric of the community. We cannot have landlords doing this anymore. And, again, all this law does is make what was implicit more explicit and making sure that we're sending a clear message that we can't have this anymore

in Philadelphia.

So thank you so much, Chair, for bringing this bill. Thank you for the partners who are going to testify today, and looking forward to it.

COUNCILMEMBER GAUTHIER: Ms. Jones, will you now read the title of the bill.

THE CLERK: Bill No. 240060, amending Chapter 9-1100 of The Philadelphia Code, entitled "Fair Practices Ordinance: Protections Against Unlawful Discrimination," to clarify and enhance protections against housing discrimination for housing assistance program participants, to modify certain procedures for investigation of housing discrimination complaints and conciliation, appeal and election of civil action of all complaints filed with the Commission, and to make related technical changes, all under certain terms and conditions.

COUNCILMEMBER GAUTHIER: The

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Clerk will please call the first panel of witnesses to testify on the resolution.

THE CLERK: Mimi McKenzie, Vilna Waldron Gaston, Tamar Hoffman, and Sherry Thomas.

(Witnesses approached witness table.)

COUNCILMEMBER GAUTHIER: Good morning. Please state your name for the record and proceed with your testimony.

MS. McKENZIE: Good morning. I'm Mimi McKenzie, the Legal Director at the Public Interest Law Center. Thank you to the Committee for allowing me to testify today in support of Bill No. 240060.

In our housing practice, the Law Center seeks to stop discrimination and to promote healthy, affordable housing for people in the neighborhoods of their choice.

As members of this Committee are well aware, the City of Philadelphia has an affordable housing crisis.

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Fifty-four percent of Philadelphia renters are cost-burdened. That means they pay at least 30 percent of their income on housing costs. The problem is most acute for renters with incomes below $30,000 per year, 88 percent of whom are cost-burdened and 68 percent are severely cost-burdened, meaning they spend at least 50 percent of their income on their rent.

The Housing Choice Voucher Program, commonly referred to as Section 8, is the federal government's program for providing financial assistance to low-income families to enable them to afford decent, safe housing in the private rental market. Administered by the Philadelphia Housing Authority, there are about nearly 20,000 voucher holders in Philadelphia, 84 percent of whom are Black and 70 percent of whom earn less than $20,000 per year.

But as you have heard, Philadelphians with a voucher face a

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steep challenge finding landlords who will accept their subsidy. The study was previously mentioned showing 67 percent of Philadelphia landlords refuse to accept vouchers. More recent data tells the same story. As of May 27th, 2024, nearly 30 percent of Philadelphia households who received an emergency housing voucher failed to secure housing within six months of voucher issuance.

This discrimination occurs with disturbing frequency notwithstanding Philadelphia's Fair Practice Ordinance which explicitly prohibits landlords from refusing to rent to individuals based on source of income.

Since 2019, the Law Center has been working to increase enforcement of Philadelphia's Fair Practices Ordinance. Bill No. 240060 strengthens the ordinance's enforcement scheme; namely, giving a complainant the option to immediately file a private right of action in a court of competent

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jurisdiction.

Currently any source of income discrimination complaint requires administrative exhaustion at the Commission, meaning that a complainant must first file their allegations of discrimination with the Commission before proceeding to court. The Commission then has a full year of exclusive jurisdiction while it investigates or otherwise contemplates the complaint.

Philadelphia's ordinance is actually an outlier in that of the top 20 most populus cities in the country that have source of income protections, only Philadelphia and Denver require administrative exhaustion. But more importantly, the Commission simply does not have sufficient resources to timely respond to and investigate complaints of source of income discrimination in housing. Administrative exhaustion, which is intended to promote an efficient system of justice, ends up being a

barrier to justice under the ordinance.

By way of example, for four complaints our office filed, the Commission took between 11 months and two years to complete its investigation. That's just too long. For starters, tenants have a limited amount of time in which to use or lose their Housing Choice Voucher. At the Law Center, we had two recent cases where our clients' vouchers expired after filing their complaints and before they found a place to live. Although we were able to obtain extensions from PHA at the last minute, tenants who are unable to find a landlord to accept their voucher can permanently lose that voucher.

Moreover, tenants who contact us are desperate to find housing. They're often not interested in spending time pursuing a complaint against a property owner who discriminated against them unless it helps them secure housing. The option for a quicker process that

could result in a tenant securing a place to live would better serve the ordinance's purpose and provide a more meaningful outcome for the tenant.

This is often the case when a prospective tenant has a physical disability and finds a unique unit that accommodates their needs, like a first floor apartment with a wide enough door to allow a wheelchair to pass. In the last year, the Law Center had a client with disabilities who was rejected from an accessible unit because of their voucher. Although we filed a complaint on their behalf, it took our client ten additional months before they found another accessible unit. In the interim, they were homeless. They were forced to couch surf with family and friends.

Given the City's severe lack of affordable housing for people with disabilities, especially those with physical impairments that require accessible units, our client needed

injunctive relief to change the landlord's behavior in the immediate term. Specifically, our client needed an order requiring the housing provider to process the application in a non-discriminatory manner so the client did not lose the opportunity to secure housing.

Although Section 9-1110(2) of the ordinance contemplates that the Law Department can seek an injunction at the Commission's request if the Commission believes that the unit could be rented before a final determination is made, we've learned that the Commission is not set up to do that. Bill No. 240060 would allow a tenant to bypass the Commission and immediately file a complaint in court and, among other things, seek immediate injunctive relief. Fair housing laws realize their objective when they're accompanied by this type of robust enforcement.

At the same time, the ability

to pursue a private right of action will not help tenants who do not have access to a lawyer. Therefore, it is also critical to allow complainants to have the option to pursue an administrative complaint with the Commission, and to that end, a strong, well-resourced Commission is invaluable for ensuring compliance with the law.

We urge City Council to not only pass Bill No. 240060 but to ensure that the Commission has sufficient resources to promptly investigate and resolve complaints concerning source of income discrimination in housing.

Thank you for the opportunity to testify in support of this legislation.

COUNCILMEMBER GAUTHIER: Thank you for that great testimony and for your work.

Please state your name for the record and proceed with your testimony.

MS. GASTON: Vilna Waldron

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Gaston.

Thank you for this opportunity to present testimony on the proposed legislation. I'm a staff attorney in the Tenant Rights Project at the 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.

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.

The Philadelphia Code already prohibits housing discrimination, including based on source of income. Such discrimination would encompass, quote, "refusing to sell, rent, or lease or otherwise discriminate in the terms, conditions, or privileges of the sale,

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rental, or lease of any housing accommodation" on the basis of source of income.

The 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, and we often engage with older tenants while they're looking for housing either as part of the eviction process or because of other problems they are experiencing with their landlord. These tenants regularly report that they are having trouble finding a landlord who will accept their rental subsidy. We also

have cases where the landlord seeks to terminate the lease after having received direction from PHA to make repairs to the property to address habitability issues 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 simply indifferent to their violation of the law.

The exclusion of tenants from eligibility for housing based solely on the source of income, and in particular the receipt of the Housing Choice Voucher Program, has a profound negative impact on tenants, especially older tenants.

Housing choice vouchers and other rental subsidies, as indicated before, are lifesaving for tenants, particularly for older tenants on fixed incomes who we represent. They guarantee

that a landlord can get paid a market price for the property, which means that they can maintain the premises. It also ensures that while nationwide households are spending more and a greater percentage of their income on rent, that voucher holders are guaranteed to only spend about one-third of their income on rent. For an older adult on a fixed income, this usually means the difference between being safely housed and being homeless. However, in order for tenants to be able to take advantage of the program, they must find a landlord who will rent to them.

Given the current environment of increasing rents not keeping up with incomes 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 as a tenant is also in the eviction process. The resulting housing insecurity is detrimental to the tenant and his or her family and to society as a whole.

There is a particularly adverse impact on older tenants who are deprived their opportunity to age in place and who 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 some housing in the interim. Others prefer to continue living in the same communities where they know their neighbors and pharmacists and are closest to their doctors.

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For these reasons, the SeniorLAW Center applauds the step being taken by City Council to clarify that the prohibitions do apply to the housing choice vouchers. Housing is a fundamental right, arguably a human right for all individuals, and no individual should be denied housing simply because the rent payment is coming from one source rather than another.

In addition, the SeniorLAW supports the changes that prohibits the landlord from negatively impacting the voucher eligibility of tenants simply by refusing to cooperate. Landlords sometimes fail to submit paperwork, leaving tenants at risk of losing their housing. In addition, sometimes landlords can refuse to make required repairs so that the property can fail inspection, ultimately leading to removal of the property from the voucher program and, in turn, the eviction of the tenant.

Newly proposed Sections 9-1108(m) and (n)

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address these situations involving a landlord's non-cooperation by specifically requiring landlords to cooperate in completing and submitting required information and documentation.

Clearly, we also support the streamlining of the private right of action, the right to sue against landlords who violate the law. 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 continuing housing insecurity. We also think that it will add some teeth enforcing the anti-discrimination laws and holding landlords accountable.

We strongly support the enactment of this legislation to both clarify and enhance existing housing discrimination prohibitions. The goal is to ensure non-discriminatory housing access and enjoyment for all Philadelphians regardless of the source

of the rent payment.

This clarification will make it easier to enforce existing law and hold landlords accountable for any non-compliance. 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.

COUNCILMEMBER GAUTHIER: Thank you for your testimony and your great work.

Please state your name for the record and proceed with your testimony.

MS. HOFFMAN: Good morning. My name is Tamar Hoffman. I'm a staff attorney at Community Legal Services.

Thank you for the opportunity to address the Committee in support of protections against source of income discrimination in housing.

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Each year, Community Legal Services represents over 3,000 families facing unfair housing practices and eviction. Many of our clients rely on housing subsidies, including vouchers and other forms of housing assistance, to stay in their homes.

As part of our work, we often bear witness to the constant indignity and insecurity that families face when they are told over and over again by landlords that they will not rent to them because they have vouchers. For example, I recently represented a tenant, Ms. W, who was forced to remain in unsafe housing with a severe rodent infestation, leaks, and mold for over a year because she was unable to sign a lease elsewhere due to discrimination. Another tenant who I represented, Ms. R, struggled with deepening depression and even suicidal ideation related to the prolonged housing search and challenges that she faced trying to lease up with her voucher.

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Ms. W and Ms. R's experiences are unfortunately all too common among voucher holders in Philadelphia.

In Philadelphia, the Fair Practices Ordinance has included source of income discrimination as a protected class since 1980. This means that tenants whose rent is either fully or partially paid by the Philadelphia Housing Authority in the form of a voucher are protected from discrimination. The PCHR -- sorry; the PHRC currently accepts these complaints and has long upheld these protections. Despite this, the reality is that landlords still routinely and often publicly refuse to rent to tenants with vouchers. For this reason, we are grateful that this bill further clarifies what we already know to be true, which is that it is unlawful to deny rental housing to tenants based on their status as voucher holders. This law will also increase the ability for tenants to

exercise their rights and protect their ability to find safe and stable housing using their vouchers for their families.

Obtaining a rental subsidy is very challenging. The voucher waiting list in Philadelphia last opened last year for the first time in over 13 years, and at that time, fewer than one-third of eligible households who applied were selected for the waiting list, not for the voucher, just for the waiting list, which closed again three weeks later. Many tenants have been on that waiting list since then, facing housing insecurity in the meantime.

And unfortunately, many families who have somehow cleared the hurdles of receiving a voucher remained precariously housed due to pervasive source of income discrimination. Landlords across Philadelphia decline to rent to voucher holders, often failing to respond to low-income tenants who are forced to spend substantial portions of

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their limited income on application fee after application fee after application fee, and as a result, some tenants are unable to utilize their vouchers at all and lose them, which is just a heartbreaking conclusion to what is often a multi-year saga of trying to fight for housing stability.

Many tenants, in an effort to lease up before their vouchers expire, end up steered towards the only properties that will reliably accept vouchers, and those properties are often substandard housing and they are riddled with repair issues and health hazards, including mold, lead, and inadequate cooling and heating. Voucher holders are also steered away from wealthier and whiter neighborhoods and towards neighborhoods with the highest concentrations of poverty, reinforcing segregation.

In the years to come, Philadelphia is likely to see a rise in

voucher holders. As a result of decades of federal housing policy development, thousands of subsidized housing units in our city are slated for conversion from unit-based subsidies to voucher programs that end up following the tenant. As a growing proportion of Philadelphia's tenants come to depend on housing choice vouchers and rental vouchers for use in the private market, these protections against source of income discrimination in housing are particularly important.

Community Legal Services is thankful to all of you for this opportunity to testify and for hearing -- and for this hearing, and we look forward to continued collaboration with partners and City Council in building towards a future in which all tenants regardless of their source of income can access safe and affordable housing.

Thank you so much for your time.

COUNCILMEMBER GAUTHIER: Thank

you for your testimony and for your work and partnership.

I wanted to ask of any or all of you what value do you think this bill would bring in protecting against large companies intentionally filtering out voucher tenants?

MS. GASTON: I'm sorry. Filtering out?

COUNCILMEMBER GAUTHIER: Voucher tenants.

MS. McKENZIE: The ability to have more robust enforcement in all different forums I think is critically important, and I see at the Law Center as we start to challenge large landlords who are turning away voucher holders, there does eventually start to be a domino effect. When landlords understand that there are consequences for ignoring Philadelphia law, that has a huge deterrent effect.

This law already has great bones, if you will. It has all the

hallmarks of important enforcement. It provides for compensatory damages. It provides for attorneys' fees and costs. It provides for injunctive relief. So now we just need to use that law to hold landlords accountable, and I think the more that that happens, the more compliance you'll see, and frankly academic studies bear that out.

COUNCILMEMBER GAUTHIER: Thank you.

Just as a follow-up, where have you seen this type of law when effective have sort of that deterrent effect?

MS. McKENZIE: Sure. So if you look at examples like in New York City and in Washington, DC where they have robust enforcement of their source of income discrimination prohibitions, the rate of voucher utilization is significantly improved.

COUNCILMEMBER GAUTHIER: Thank you.

Councilmember Landau.

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COUNCILMEMBER LANDAU: Yeah. I wanted to know especially from those areas of New York and DC, is there also a normalization of using vouchers? To me, we all come to rent housing with a variety of different income sources. It could be from work, it could be from child support, it could be from public benefits, it could be a Section 8 voucher. These are just ways in which we have money or subsidies in order to rent a space.

And so is there any kind of normalization of the voucher use? Is it still feeling so fraught and so "other" in those places?

MS. McKENZIE: I don't have at the top of my fingertips like a study that shows that, but I do know anecdotally as you start to talk to landlords who become familiar with the program's requirements, that many landlords actually end up really appreciating the benefits of the program.

You know, you have a direct payment that is guaranteed, that's paid by the federal government every month. So there are actually a lot of positives when you talk to landlords. But I can follow up and I'm happy to send you anything from those experiences from other cities.

COUNCILMEMBER LANDAU: To me the most amazing part out of all the other income sources I was saying, having a Section 8 voucher as a subsidy, 70 percent of your rent is guaranteed by the federal government every month, every month. I know landlords who love this, say this is great. Even if the tenant had a hard time, falls behind, it's still only 30 percent of harm to catch up. Seventy percent of your rent is guaranteed by the feds. It sounds like a good deal to me.

MS. McKENZIE: Yeah.

MS. GASTON: And another, I think, pro is that for landlords, as long as you have a good landlord who is acting

in good faith on the law and who is keeping up their property, as they should be, there's also obligation for the tenants to keep up their side of the bargain. Certain repairs are actually assigned to the tenants. So it goes both ways. So both the tenant and the landlord have obligations under the Housing Choice Voucher Program.

COUNCILMEMBER GAUTHIER: Great. Thank you all for your testimony.

Were you going to add something?

MS. HOFFMAN: No. That's all right. Thank you.

COUNCILMEMBER GAUTHIER: Thank you so much.

Will the Clerk please call the next panel to testify.

THE CLERK: Kia Ghee.

(Witness approached witness table.)

COUNCILMEMBER GAUTHIER: Good morning.

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MS. GHEE: Good morning.

COUNCILMEMBER GAUTHIER: Please state your name for the record and proceed with your testimony.

MS. GHEE: All right. Good morning. My name is Kia Ghee.

Good morning, Chairperson Gauthier and members of the Committee on Housing, Neighborhood Development, and the Homeless. Thank you for allowing me an opportunity to testify in support of this bill.

I am Kia Ghee, the Executive Director of the Philadelphia Commission on Human Relations. As the City's official civil rights enforcement agency, our office administers and enforces the Fair Practices Ordinance, which protects Philadelphians from unlawful discrimination in housing.

I am here today to testify in support of Bill No. 240060, which aims to strengthen protections against source of income discrimination, particularly

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concerning Housing Choice Voucher programs.

As the Executive Director of the agency that enforces Philadelphia's anti-discrimination laws, I have seen firsthand the insidious ways in which this form of discrimination and all forms of discrimination perpetuate inequality and hinders social mobility.

Source of income discrimination occurs when a landlord refuses to rent to individuals based on their lawful sources of income. This includes income derived from public assistance, disability benefits, Social Security, child support, and Housing Choice Voucher programs. Such discrimination is unjust because it denies individuals and families the basic right to secure housing.

We live in a time when the cost of living continues to rise and affordable housing becomes increasingly scarce. In Philadelphia, the Housing Choice Voucher Program serves

approximately 20,000 families. For many of them, Housing Choice Voucher programs are the lifelines that ensure their ability to keep a roof over their heads. It also provides these families with essential financial assistance that allows them access to decent housing in Philadelphia's private rental market. Despite the undeniable benefits of this program, as the other panelists have said, many families still face far too many barriers when seeking a place to live simply because of how they pay their rent.

This bill provides greater protection for renters using housing choice vouchers by explicitly prohibiting landlords from communicating or advertising that they do not accept Section 8 housing choice vouchers and prohibiting them from refusing to make repairs or refusing to comply with minor administrative requirements of the Housing Choice Voucher Program. The

bill, importantly, also offers an expedited private right of action for renters whose rights are violated.

Changes like those proposed in this bill have been shown to substantially reduce the number of landlords who refuse to accept vouchers, and it also increases access to higher-opportunity neighborhoods.

In Philadelphia, we are known for our diversity. Source of income discrimination, however, undermines the City's goal of enhancing fair housing practices across all neighborhoods. Moreover, discriminatory practices disproportionately affect the most vulnerable members of our community, including people of color, women, individuals with disability, and those with lower income. It also exacerbates existing inequalities and perpetuates the cycle of poverty and instability.

PCHR is committed to ending discriminatory practices and all forms of

discrimination. We support stronger legal protections that explicitly prohibit source of income discrimination in housing. This includes ensuring that landlords cannot refuse applicants based on lawful sources of income and that they cannot set different terms or conditions for tenants who rely on these sources.

We recognize that many landlords do not fully understand the implications of their discriminatory practices or the benefits of accepting a diverse range of income sources. We plan to continue to use the resources allocated to us to engage in more robust public education campaigns to inform both tenants and landlords about their rights and responsibilities. Furthermore, we will continue to seek additional resources that will allow us to strengthen our enforcement mechanisms to ensure that violations of these protections are met with appropriate consequences.

In closing, we stand ready to partner with City Council to enforce these and other protections for Philadelphia's most vulnerable populations.

Thank you for your time, and I am available for any questions you may have.

COUNCILMEMBER GAUTHIER: Thank you so much for your testimony, but thanks also for your collaboration in this work. A lot of the bill's key tenets came from your testimony at our hearing last year, and so we really appreciate you.

I also want you to know that we're rooting for PCHR to get more resources, and we think that that's very important.

I wanted to ask how in particular do you think that explicitly prohibiting written or verbal communication that a landlord does not accept housing vouchers will help PCHR's

work?

MS. GHEE: I think explicitly prohibiting advertisement and communication that a landlord doesn't accept a housing choice voucher is significant in a number of ways. First, it stops the signaling to prospective tenants that they cannot rent there. It also informs the landlord of their responsibility to not discriminate against other -- against tenants based on their lawful sources of income.

I think that when it is clear that they cannot do that in advertising, they will not do that, and when you couple that with the remedy of having a private right of action where a tenant can seek immediate redress for any damages that they incur and you can enjoin those landlords from taking such actions, then I think you are in a better position to fully realize the benefit of this law.

COUNCILMEMBER GAUTHIER: Thank

you.

Councilmember Landau.

COUNCILMEMBER LANDAU: Just one quick comment. First, thank you for all of your work, and second of all, thank you for committing to a public education campaign, because I think sometimes our work that we do, we're doing just in silos or are not as forward-looking as we need to be, and now in this post-pandemic time, we need to make sure that it is clear as day and we're sending the message really strong to landlords throughout the City, and you are the perfect agency to do it.

Thank you.

MS. GHEE: Thank you.

COUNCILMEMBER GAUTHIER: Thank you so much for your testimony.

MS. GHEE: Thank you.

COUNCILMEMBER GAUTHIER: Will the Clerk please call the next panel to testify.

THE CLERK: Gianni Parente.

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(Witness approached witness table.)

COUNCILMEMBER GAUTHIER: Good morning.

MR. PARENTE: Hey, good morning.

COUNCILMEMBER GAUTHIER: Please state your name for the record and proceed with your testimony.

MR. PARENTE: Gianni Parente.

My name is Gianni Parente. I'm the Northeast U.S. Multifamily Investment Officer for EQT Exeter, one of the largest real estate private equity managers in the world based in Radnor, Pennsylvania. I live in South Philadelphia and have been responsible for the development of over 1,000 units in the City of Philadelphia in three large projects. I have also been responsible for the developments and acquisitions in the DC area, Delaware, Boston, and Providence Rhode Island.

Our latest project, The Clark,

located at 46th and Chestnut, is a 327-unit building with ten percent of the units reserved for residents earning 60 percent of the area median income or less. As we were opening the building late last year, we were approached to see if we might have the ability to house some of the residents of the University City Townhomes. I believe at this time there were about a dozen folks who had not found replacement housing and needed to be in University City for one reason or another. We had the units available that were being set aside as affordable, so that worked out well. The one wrinkle was that the UC Townhome residents were housing choice voucher holders and could not immediately income qualify if even for the affordable units.

We had no experience as a firm with housing choice vouchers, but we were willing to give it a try. The process was relatively painless to become a first-time HCV landlord, with only a

minimal delay. We were required to submit some paperwork and take a training course and took approximately 30 days.

In a brand new building with first-generation leases, there was not much capital expense work that had to be done for the units to qualify. While only a handful of the UC Townhome residents chose our building, we continued down the path to find HCV tenants to fill the remainder of affordable units. Mostly we were having trouble finding prospects that made enough money to qualify for income-restricted units but were also under the AMI threshold. The HCVs provided a good pipeline of prospects as we were introduced to several other organizations that place residents, such as the Veterans Multi-Service Center. Today, most of our HCV residents have come through either PHA housing fairs, the UC Townhomes or the VMC.

We have had a good experience

as a landlord and we will continue to pursue HCV residents for future buildings and projects in Philadelphia. There is an obvious need for more units. The PHA has been a very willing partner, and it makes good economic sense for our investors.

Of the 33 affordable units at The Clark, approximately 30 are HCV holders. The HCV program has allowed us the flexibility to deal with any issues and concerns that have arisen, though far and few between.

Some other interesting feedback that we've gotten is that the needs of the residents differ slightly from our market-rate customers. HCV residents, especially ones with children, need game rooms and playgrounds, not pool tables and roof decks. We are taking this into consideration for future projects.

Due to my good experience as an operator of apartments that accept housing choice vouchers, I'm here to

voice support of Bill No. 240060. Having very clear and consistent guidelines is important for the business community. So insofar as the bill clarifies any outstanding questions regarding HCVs, I believe it is useful.

I am also supportive of having more landlords in the City accept HCVs as a means to produce affordable housing quickly and economically for those that need it so desperately.

Thanks for your time.

COUNCILMEMBER GAUTHIER: Thank you so much for your testimony and for your efforts to rehouse the University City Townhome tenants.

I wanted to ask you, do you see this bill as adding any new burdens to your operations?

MR. PARENTE: Not particularly, no.

COUNCILMEMBER GAUTHIER: Thank you.

Vice Chair Landau, do you have

any questions or comments?

COUNCILMEMBER LANDAU: I just had a clarifying question. I want to make sure I heard you right. Did you say you built your development with tax credits?

MR. PARENTE: No. It's a market-rate project. It was part of a remapping a while ago that remapped the property from RM-1 to CMX-3, and part of the agreement with the Spruce Hill Community Association was to include ten percent of the units set aside for affordable housing. So that's at 60 percent AMI. Sixty percent AMI is about -- Councilwoman Gauthier, you might remember off the top of your head better than me, but I'm going to say around $48,000 a year. So to afford the rent, if you only make $48,000 a year, even for an affordable unit, is still pretty tough, as you guys have talked about in some other properties. So the housing choice vouchers were used to fill up the

affordable units.

COUNCILMEMBER LANDAU: Great. Thank you. So it was a voluntary ten percent as part of this agreement that you were doing?

MR. PARENTE: Voluntary in exchange for a remapping, yeah.

COUNCILMEMBER LANDAU: Thank you very much.

COUNCILMEMBER GAUTHIER: So you started using the program out of necessity to fill these affordable units, but you actually find that it works for your business model?

MR. PARENTE: Yeah. I mean, to the credit of some of the hard-working folks in West Philadelphia and University City, I mean, we wouldn't probably have thought about it, except that this issue with the University City Townhomes arose, and there was a couple folks, I remember one is an elderly woman whose husband needed to have care at Penn Presbyterian, so she needed to be within walking

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distance of the townhomes. I'm sure you know who I'm talking about. So she actually was one of the residents that came and lived with us and resides at The Clark.

So when we kind of heard that story, when it became more personal for here's the individuals we're talking about, it starts to kind of humanize the issue instead of making it kind of a stigma.

COUNCILMEMBER GAUTHIER: Yeah. You know, and just for the benefit of Vice Chair Landau and Councilmember Driscoll, this development is in University City close to transit, close to world-class healthcare systems, close to jobs. This is where we want to see affordable housing. This is where we want to see Section 8 vouchers be accepted.

So thank you so much, Gianni. You're in a class by yourself today, but hopefully many other landlords will hear

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your words and adopt the same type of approaches.

MR. PARENTE: I have actually heard -- thank you for those kind words. I have actually heard of a couple other landlords that I've been talking to that have started to look into the program as a result, so hopefully good news.

COUNCILMEMBER GAUTHIER: Thank you so much.

COUNCILMEMBER LANDAU: Thank you.

MR. PARENTE: Thank you.

COUNCILMEMBER GAUTHIER: Will the Clerk please call the next panel.

THE CLERK: Latoya Maddox, Garrett O'Dwyer, Tanja Carter.

(Witnesses approached witness table.)

COUNCILMEMBER GAUTHIER: Good morning. It's good to see you again.

MS. MADDOX: Good morning.

COUNCILMEMBER GAUTHIER: Please state your name for the record and

proceed with your testimony.

MS. MADDOX: Thank you. Good morning. My name is Latoya Maddox and I am grateful to be giving testimony on Bill 240060.

So, again, good morning, Committee members. My name is Latoya Maddox. I'm a Senior Independent Living Specialist at Liberty Resources. Our mission at the Center for Independent Living is to ensure and support the rights of people with disabilities, enabling them to live and thrive within the community.

I'd like to share an experience of one of our consumers, CS, who has been enduring voucher discrimination since July 2022. We assisted CS in obtaining a housing choice voucher, after which CS diligently searched for an accessible unit and a landlord willing to accept the voucher. She was unsuccessful. After much effort, CS found an accessible unit and pleaded with the landlord to accept

the voucher, but the landlord refused. Desperate for housing, CS took the unit at market rate and is now dependent on family support to pay the rent. This situation is unsustainable, and CS's story is all too common.

In Philadelphia, housing is scarce and low-income individuals, especially those with disabilities living on Social Security, are in desperate need of subsidized housing. Obtaining a voucher is already a challenging process, but at Liberty Resources, we often find that even after securing a voucher, individuals face immense stress and fear because they cannot find landlords with accessible units willing to accept the voucher. Whether due to stigma or misinformation, we need landlords to be educated about housing choice vouchers and for the City to address the housing crisis by enforcing rules to protect our most vulnerable residents.

The part of the proposed

legislation that excites us the most is the immediate private right of action. Currently, individuals who face voucher discrimination must file their complaint with the Philadelphia Commission on Human Relations, which can take over a year to process. This timeline is impractical for voucher holders actively searching for housing. However, the proposed amendments would allow voucher holders to file discrimination complaints directly in court, enabling them to seek emergency relief. This change would be especially beneficial for those in need of accessible housing, allowing them to act swiftly when a landlord refuses their voucher. For example, a voucher holder needing wheelchair-accessible housing could immediately challenge a discriminatory landlord in court and secure a unit rather than waiting a year for the Commission's decision.

Thank you for allowing me to testify today.

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COUNCILMEMBER GAUTHIER: Thank you so much for your testimony and for your advocacy.

Please state your name for the record and proceed with your testimony.

MR. O'DWYER: Garrett O'Dwyer testifying for PACDC.

Good morning, Chairperson Gauthier, Vice Chair Landau, members of City Council's Committee on Housing, Neighborhood Development, and the Homeless. My name is Garrett O'Dwyer and I am the Associate Policy Director for the Philadelphia Association of Community Development Corporations, or PACDC. Thank you for the opportunity to testify before the Housing Committee in favor of Bill No. 240060 that will enhance protections for housing voucher recipients by further clarifying landlord responsibilities and improving tenant remedies.

We believe that housing is a human right and that all Philadelphians

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deserve to live in safe, affordable homes in communities of choice. After water, food, and oxygen, housing is a basic human need. When we lack access to safe, affordable housing, we are unable to thrive in other important ways. Our health suffers and our horizons darken as life outcomes are greatly diminished.

For a variety of reasons, the private market has failed to be able to meet the needs of our lowest income neighbors. The Housing Choice Voucher Program is a critical component of our social safety net and allows thousands of Philadelphia families to live safely while maintaining affordability in areas that have seen dramatic increases in values.

Unfortunately, too many property owners ignore their obligations under City law to offer tenancy irrespective of source of incomes. As a result, too many voucher holders are burdened in finding accommodations, and

the value of the voucher program as a tool to combat this displacement is greatly diminished. It is our hope that today's bill offers a strong corrective to this problem by clarifying landlord responsibilities under the City code, increasing the range of prohibited activities surrounding source of income discrimination, as well as improving a tenant's right to seek remedy.

I'd like to thank Chairperson Gauthier for her leadership in introducing this bill and other legislation as part of her Defying Displacement Campaign. Last year PACDC released our Equitable Development Policy Platform which we crafted with our 60 CDC members and with input from over 100 local and national experts. In it we identified the need to combat the risk of displacement that comes with rising property values in our communities. This bill offers a critical contribution to those efforts given the importance of the

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problem presented by the refusal of some landlords to accept housing vouchers.

PACDC is once again grateful to be able to offer our enthusiastic support for Bill No. 240060, and thank you for the opportunity to testify this morning.

COUNCILMEMBER GAUTHIER: Thank you so much for your testimony, but also for your support and partnership and advocacy.

Ms. Carter, so good to see you.

MS. CARTER: Good to see you also.

COUNCILMEMBER GAUTHIER: Please state your name for the record and proceed with your testimony.

MS. CARTER: Okay. My name is Tanja Carter. I'm the founder of It Takes A Village of Helping Hands, which is an organization in the West Philadelphia area. We don't limit our services. However, we offer a variety of services to individuals, and one of our most largest calls are individuals who

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face this very problem with Section 8 vouchers.

And after being introduced to the Bill 240060, I said finally this issue is being addressed. Becoming a client of the HCV program is a system within itself. However, the probability of finding landlords that doesn't discriminate against income is really slim to none, which sometimes forces clients to either lose their voucher or settle for properties in communities that doesn't fit their standards and unfortunately result in clients dealing with landlords who are only interested in the rent only, not the upkeep of the property or anything like that.

It gives me a great deal of pleasure to support our Councilwoman Jamie Gauthier's Bill 240060. Once again, she is placing the needs of the people first and making a difference by doing things differently.

The Bill 240060 singles out a

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significant part of the Section 8 program is called the Housing Choice Voucher Program, and for a long time, the choice aspect had been removed from the process.

COUNCILMEMBER GAUTHIER: Thank you. Thank you for coming to give that testimony, and thank you for all of your hard work that you do in the community every single day. We're so grateful for you.

MS. CARTER: Thank you for having me.

COUNCILMEMBER GAUTHIER: I wanted to ask any one of you who wants to answer, given everything that you've seen with people trying to put vouchers to use and having a hard time doing that, how do you think this bill will make that issue -- make things easier for people in the future?

MR. O'DWYER: As one of the previous folks giving testimony said, this will create a disincentive for landlords that are violating City code to

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continue to do so. And I like the idea of the public education campaign Councilperson Landau was talking about, because I think that the more word gets out, then the more effective this will be.

Solving the problem of affordable housing that faces Philadelphia isn't about a single tool that is going to get us out of the mess that we're in, but it's about using all of the available resources at our disposal, and this is an important one. It's one that because of landlord refusal to honor their responsibilities under the code has been a challenge to use in a way that benefits the voucher holders to the greatest extent as well as combats displacement as much as possible.

So we're really excited that this will be able to move us forward on two important fronts.

COUNCILMEMBER GAUTHIER: Thank you.

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MS. MADDOX: It will take -- it feels like almost like the Amazing Race where you have to race to get the voucher to a landlord, and it will take that part off the individual's back, especially people who need accessible housing. If the property manager and the landlords are educated on it and they still refuse, you know, we now have a bill in place that will say, no, you can't do that no more, you have to abide by these. And it will also help out the Public Relations Commission as well, because right now it takes, what, a year, when there will be other means in place for the individual looking for housing to say, all right, let's go about this a whole other way.

COUNCILMEMBER GAUTHIER: Thank you. We only like the Amazing Race when it's on TV, not when --

MS. MADDOX: Right.

COUNCILMEMBER GAUTHIER: Not as simple for people looking for housing. So thanks.

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Did you want to add anything?

MS. CARTER: I think this bill will build awareness, not only for just landlords but the clients as well, but more so for the landlords, because I don't think they get the concept of the fact that at least 70 percent of the rent is paid by Section 8 and 30 percent is paid by the client. And even if you don't meet those standards, the Section 8, they will pay 100 percent of the rent payment of the voucher, which gives some clients that opportunity to build themselves to become employed to reach the requirements that most landlords ask for when you do come to their properties. And one thing they do is ask about your employment and if you can meet the rent in case you lose the voucher.

COUNCILMEMBER GAUTHIER: Yeah.

Vice Chair Landau.

COUNCILMEMBER LANDAU: Just a comment, Latoya, to the extra obstacles that people with disabilities sometimes

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go through to find accessible housing. I think that maybe one part of the education campaign can be a partnership with Liberty Resources, PHDC, and the Commission on Human Relations to also advertise the programs of Adaptive Modification, trying to push PHDC. We can make it go a little faster, especially if somebody has a Section 8 voucher and there is a time on it, but there's also a small landlord loan program there now. So if you want to just do a small adjustment to your house, sometimes these are things that landlords aren't thinking about, they don't know about. They could be part of the campaign that we can go out and educate landlords, make sure more of the housing is accessible.

MS. MADDOX: Right.

COUNCILMEMBER GAUTHIER: Thank you.

Anything?

COUNCILMEMBER DRISCOLL: Thank

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you, Chairwoman Gauthier and Vice Chair Landau, for bringing us to this moment. This is obviously important legislation that needs to advance.

And to all the testifiers, thank you, Latoya, Tanja, Garrett. We can make the laws, but sharing the information with the community is -- you know, many times you're closer to the ground than we are when it comes to getting the word out. So I would just encourage all of the testifiers that were here -- and, Garrett, you'll have a big leadership role with all the CDCs that are in all our districts -- that we can let folks know that this is an opportunity, not a prohibition.

So thank you.

COUNCILMEMBER GAUTHIER: No. I think that's important. I love the idea of the education campaign, but also leading up to having this hearing, we actually convened a workgroup with the BIA of landlords, directly with Kelvin

Jeremiah and his team at PHA, and I do think there are a lot of misconceptions about the program that landlords didn't know about, but I also think there was good information shared from the landlord community to PHA about getting more landlords to willingly participate.

So I'm hopeful that over time as we do more engagement, as we do more education, and as we crack down on discrimination, that this will more be seen as a win-win-win, right, for tenants, for the landlords, and for PHA and other agencies offering vouchers.

So thank you.

Thank you so much for your testimony.

Is there anyone else that wishes to testify on this bill?

(No response.)

COUNCILMEMBER GAUTHIER: Seeing no one else here to testify on the bill, this concludes the public hearing. We will now go into a public meeting to

consider the action to be taken on the bill heard today. And I think we need to get quorum back.

(Brief pause.)

COUNCILMEMBER GAUTHIER: Can the Clerk please call the roll.

THE CLERK: Councilmember Squilla.

COUNCILMEMBER SQUILLA: Present.

THE CLERK: Councilmember Driscoll.

COUNCILMEMBER DRISCOLL: Present.

THE CLERK: Vice Chair Landau.

COUNCILMEMBER LANDAU: Present.

THE CLERK: Chair Gauthier.

COUNCILMEMBER GAUTHIER: Present.

The Chair recognizes Vice Chair Landau for a motion on the amendment to Bill No. 240060.

COUNCILMEMBER LANDAU: Thank you, Madam Chair. I offer an amendment

to Bill No. 240060. A copy of the amendment has been circulated to all members of the Committee. I move that the amendment to Bill No. 240060 be approved.

(Duly seconded.)

COUNCILMEMBER GAUTHIER: It has been moved and properly seconded that the amendment to Bill No. 240060 be approved.

All those in favor of the motion will signify by saying aye.

(Aye.)

COUNCILMEMBER GAUTHIER: Those opposed?

(No response.)

COUNCILMEMBER GAUTHIER: The ayes have it and the motion carries, and the amendment to Bill No. 240060 has been approved.

The Chair recognizes Vice Chair Landau for a motion on Bill No. 240060, as amended.

COUNCILMEMBER LANDAU: Thank you, Madam Chair. I move that Bill No.

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240060, as amended, be reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended to permit first reading of this bill at the next session of Council.

(Duly seconded.)

COUNCILMEMBER GAUTHIER: It has been moved and properly seconded that Bill No. 240060, as amended, be reported from this Committee with a favorable recommendation and further moved that the rules of Council be suspended to permit first reading of this bill at the next session of Council.

All those in favor of the motion will signify by saying aye.

(Aye.)

COUNCILMEMBER GAUTHIER: Those opposed?

(No response.)

COUNCILMEMBER GAUTHIER: The ayes have it and the motion carries. Bill No. 240060, as amended, will be

reported from this Committee with a favorable recommendation with a request that the rules of Council be suspended to permit first reading at the next session of Council.

This concludes the business of the Committee on Housing, Neighborhood Development, and the Homeless today.

Thank you all very much for your attendance.

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(Committee on Housing, Neighborhood Development, and the Homeless concluded at 11:28 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

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City of Philadelphia

Public Hearing Notice

The **Committee on Housing, Neighborhood Development and The Homeless** of the Council of the City of Philadelphia will hold a Public Hearing on **Wednesday, May 29, 2024**, at **10:00 AM**, in **Room 400, City Hall**, to hear testimony on the following items:

240060 An Ordinance amending Chapter 9-1100 of The Philadelphia Code, entitled "Fair Practices Ordinance: Protections Against Unlawful Discrimination," to clarify and enhance protections against housing discrimination for housing assistance program participants, to modify certain procedures for investigation of housing discrimination complaints and conciliation, appeal and election of civil action of all complaints filed with the Commission, and to make related technical changes, all under certain terms and conditions.

Immediately following the public hearing, a meeting of the Committee on Housing, Neighborhood Development and The Homeless, open to the public, will be held to consider the action to be taken on the above listed items.

Copies of the foregoing items are available in the Office of the Chief Clerk of the Council, Room 402, City Hall.

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Testimony to Committee on
Housing, Neighborhood Development, and the Homeless
In support of Bill 240060
May 29, 2024

Dear Committee on Housing, Neighborhood Development, and the Homeless:

Good morning. I am Mimi McKenzie, the Legal Director at the Public Interest Law Center. Thank you to the Committee for allowing me to testify today in support of Bill No. 240060. In our housing practice, the Law Center seeks to stop discrimination and to promote healthy, affordable housing for people in the neighborhoods of their choice.

As members of this Committee are well aware the City of Philadelphia has an affordable housing crisis. 54% of Philadelphia's renters are cost-burdened, meaning they pay at least 30% of their income on housing costs.[1] This problem is most acute for renters with incomes below $30,000 per year, 88% of whom are cost-burdened and 68% are severely cost-burdened, meaning they spend at least 50% of their incomes on rent.[2]

The Housing Choice Voucher program, commonly referred to as "Section 8", is the federal government's program for providing financial assistance to low-income families to enable them to afford decent, safe housing in the private rental market. Administered locally by the Philadelphia Housing Authority there are about 19,350 voucher holders in Philadelphia, 84% of whom are Black and 70% of whom earn less than $20,000 per year.[3]

But Philadelphians with a voucher face a steep challenge finding landlords who will accept their subsidy. A 2018 study from the Urban Institute found that 67 percent of landlords in Philadelphia refuse to accept vouchers—and this rejection rate rises to 83 percent in low-poverty neighborhoods.[4] More recent data tells the same story. As of May

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[1] Larry Eichel & Octavia Howell, *How Philadelphia Can Address Its Affordable Housing Shortage*, Pew (2020), *available at* https://www.pewtrusts.org/en/research-and-analysis/articles/2020/10/26/how-philadelphia-can-address-its-affordable-housing-shortage.

[2] The State of Housing Affordability in Philadelphia, Pew (2020), *available at* https://www.pewtrusts.org/en/research-and-analysis/reports/2020/09/the-state-of-housing-affordability-in-philadelphia. This crisis is compounded by the fact that about 1,700 of the remaining project-based Section 8 units are set to lose their affordability restrictions in the next five years. Ryan Briggs & Aaron Moselle, *1,700 units of housing are set to vanish in the next 5 years. There's little Philly officials can do*, Phillytrib.com, WHYY, https://www.phillytrib.com/news/local_news/1-700-units-of-housing-are-set-to-vanish-in-the-next-5-years-there/article_7d62197d-f3e7-502a-9154-a4d9abdbf244.html.

[3] *See* HUD Office of Policy Development and Research Database, Dataset: Picture of Subsidized Housing, https://www.huduser.gov/portal/datasets/assthsg.html.

[4] *See* Mary Cunningham, et al., *A Pilot Study of Landlord Acceptance of Housing Choice Vouchers, Urban Institute* (Sept. 2018) https://www.huduser.gov/portal/pilot-study-landlord-acceptance-hcv.html; *see also* Julia Teruso, *In Philly, Two-Thirds of Landlords Won't Take Affordable Housing Vouchers – Even When*

27, 2024, nearly 30 percent of Philadelphia households who received an Emergency Housing Voucher failed to secure housing within six (6) months of voucher issuance.[5]

This discrimination occurs with disturbing frequency notwithstanding Philadelphia's Fair Practices Ordinance which explicitly prohibits landlords from refusing to rent to individuals based on "any lawful source of income... included but not limited to... all forms of public assistance, including Temporary Assistance for Needy Families; and housing assistance programs."[6] And it occurs not withstanding that the Philadelphia Commission on Human Relations (the "Commission")—the City agency charged with enforcing the Fair Practices Ordinance—similarly interprets this protection to include "any lawful income, subsidy, or benefit with which an individual supports themselves and their dependents. This includes but is not limited to... any federal, state, or local public assistance, medical assistance, or rental assistance program."[7]

Since 2019 the Law Center has been working to increase enforcement of Philadelphia's Fair Practices Ordinance. Bill No. 240060 strengthens the Ordinance's enforcement scheme, namely giving a complainant the option to immediately file a private right of action in a court of competent jurisdiction.

Currently any source of income discrimination complaint requires administrative exhaustion at the Commission, meaning complainants must first file their allegations of discrimination with the Commission before proceeding to court. The Commission then has one full year of exclusive jurisdiction while it investigates or otherwise contemplates the complaint. Philadelphia's Ordinance is an outlier in that of the top twenty (20) most populous cities in United States with source of income protections, only Philadelphia and Denver require administrative exhaustion. More importantly, the Commission simply does not have sufficient resources to timely respond to and investigate complaints of source of income discrimination in housing. Administrative exhaustion, which is intended to promote an efficient system of justice, can end up being a barrier to justice under the Ordinance.

By way of example, for four complaints our office filed, the Commission took between eleven months and two years to complete its investigations. That is too long. For starters, tenants have a limited amount of time in which to use or lose their Housing Choice Voucher. At the Law Center we have had two recent cases where our clients' vouchers expired after filing their complaints and before they found a place to live. Although we were able to obtain extensions from PHA at the last minute, tenants who are unable to find a landlord to accept their voucher can permanently lose their voucher.

The Renter Can Afford the Place, Phila. Inquirer, (Aug. 27, 2018), https://www.inquirer.com/philly/news/housing-vouchers-section-8-affordable-urban-institute-study-20180827.html.

[5] *See* U.S. Department of Housing and Urban Development Emergency Housing Voucher (EHV) Data Dashboard, https://www.hud.gov/program_offices/public_indian_housing/ehv/dashboard.

[6] Phila Code. § 9-1102(cc).

[7] Philadelphia Commission on Human Relations, File a complaint about housing or property discrimination, https://www.phila.gov/services/crime-law-justice/report-a-crime-or-concern/discrimination-and-unfair-practices/file-a-complaint-about-housing-or-property-discrimination/.

Moreover, tenants with vouchers who contact us are desperate to find housing. They are often not interested in spending time pursuing a complaint against a property owner who discriminated against them unless it will help them secure housing. The option for a quicker process that could result in a tenant securing a place to live would better serve the Ordinance's purpose and provide a more meaningful outcome for the tenant.

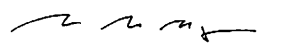
This is often the case when a prospective tenant has a physical disability and finds a unique unit that accommodates their needs like a first floor unit with a wide enough door to allow a wheel cheer to pass. For example, in the last year the Law Center had a client with disabilities who was rejected from an accessible unit because of their voucher. Although we filed a complaint on their behalf, it took our client ten (10) additional months before they found another accessible unit. In the interim our client was homeless, forced to couch surf with family and friends. Given the City's severe lack of affordable housing for people with disabilities, especially those with physical impairments that require accessible units, our client needed injunctive relief to change the housing provider's behavior in the immediate term. Specifically, our client needed an order requiring the housing provider to process the application in a non-discriminatory means, so the client did not lose the opportunity to secure accessible housing.

Although § 9-1110(2) of the Ordinance contemplates that the Law Department can seek an injunction at the Commission's request if the Commission believes that the unit could be rented before a final determination is made, we have learned the Commission is not set up to do that. Bill No. 240060 would allow a tenant to bypass the Commission and immediately file a complaint in court and among other things seek immediate injunctive relief. Fair housing laws realize their objectives when accompanied by this type of robust enforcement.[8]

At the same time, the ability to pursue a private right of action will not help tenants who do not have access to a lawyer. Therefore, it is also critical to continue to allow complainants to have the option to pursue an administrative complaint with the Commission. To that end, a strong, well-resourced Commission is invaluable for ensuring compliance with the law. We urge City Council to not only pass Bill No. 240060 but to ensure that the Commission has sufficient resources to promptly investigate and resolve complaints concerning sources of income discrimination in housing.

Thank you for the opportunity to testify in support of this legislation.

Respectfully submitted,



Mimi McKenzie
Legal Director

[8] Studies show that in jurisdictions with source of income discrimination protections, voucher utilization goes up. *See* Lance Freeman, *The Impact of Source of Income Laws on Voucher Utilization*, HOUSING POLICY DEBATE, Vol. 22, No. 2, March 2012, pgs 297-319.

SLC

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

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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 Acwould 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.

Testimony of Tamar Hoffman
Staff Attorney, Housing Unit, Community Legal Services
In support of Protections Against Source of Income Discrimination,
Bill No. 24006000
Committee on Housing, Neighborhood Development and the Homeless
May 29, 2024

Good morning, and thank you for the opportunity to address the Committee in support of the Fair Practices Ordinance's protections against source of income discrimination in housing. My name is Tamar Hoffman and I am a Staff Attorney in the Housing Unit at Community Legal Services.

Each year, Community Legal Services represents over 3,000 families facing unfair housing practices and eviction. Many of our clients rely on housing subsidies, including vouchers and other forms of housing assistance, to stay in their homes.

As part of our work, we often bear witness to the constant indignity and insecurity that families face when they are told over and over again by landlords that they will not rent to them because they have Section 8 vouchers. For example, I recently represented a tenant, Ms. W., who was forced to remain in unsafe housing with a severe rodent infestation, leaks, and mold for over a year because she was unable to sign a lease elsewhere due to voucher discrimination. Another tenant, Ms. R., struggled with deepening depression and suicidal ideation related to the prolonged challenge of finding a place with a voucher to avoid homelessness. Ms. W. and Ms. R.'s experiences are unfortunately all too common among voucher holders we work with in Philadelphia.

In Philadelphia, our Fair Practices Ordinance has included a source of income as a protected class since 1980. This means that in Philadelphia, tenants whose rent is either fully or partially paid by the Philadelphia Housing Authority in the form of a Section 8 Housing Choice Voucher, are protected from discrimination. The Philadelphia Human Relations Commission currently accepts these complaints and has long upheld these protections. Despite this, the reality is that landlords still routinely and often publicly refuse to rent to tenants with vouchers. For this reason, we are grateful that this bill further clarifies what we already know to be true—that it is unlawful to deny rental housing to tenants based on their status as voucher holders. This law will also increase the ability for tenants to exercise their rights and protect their ability to find safe, stable housing using their voucher.

Obtaining a rental subsidy is challenging. The voucher waiting list in Philadelphia last opened in 2023, for the first time in 13 years. At that time, fewer than one third of eligible households who applied were selected for the waiting list—not a voucher, just the waiting list—which closed

again within three weeks. Many tenants have been on the waiting list since that time, facing housing insecurity.

Unfortunately, many families who have somehow cleared the Sisyphean hurdles of receiving a voucher remain precariously housed due to pervasive source of income discrimination. Landlords across Philadelphia decline to rent to voucher holders, often failing to respond to low-income tenants who are forced to spend substantial portions of their limited resources on application fee after application fee. As a result, some tenants are unable to utilize their vouchers and lose them, a heartbreaking conclusion to what is often a multiyear saga of fighting for housing stability.

Many tenants, in an effort to lease up before their vouchers expire, are steered towards the only properties that will reliably accept vouchers. These properties are often substandard housing, riddled with repair issues and health hazards like mold, lead, and inadequate cooling and heating. Voucher holders are also steered away from wealthier and whiter neighborhoods and towards neighborhoods with the highest concentrations of poverty, reinforcing segregation.

In the years to come, Philadelphia is likely to see a rise in voucher holders. As a result of decades of federal housing policy development, thousands of subsidized housing units in our city are slated for conversion from unit-based subsidy to voucher programs that follow the tenant. As a growing proportion of Philadelphia's subsidized housing tenants comes to depend on rental vouchers for use in the private market, protections against source of income discrimination in housing are particularly important.

Community Legal Services is thankful to Councilmember Gauthier, Councilmember Landau, Councilmember Brooks and Councilmember O'Rourke for introducing this bill at a critical time for subsidized housing tenants in Philadelphia, and to the Committee for holding this hearing. We look forward to continued collaboration with our partners and City Council in building towards a future in which all tenants, regardless of their source of income, can access safe and affordable housing.

LCD
LEGAL CLINIC FOR THE DISABLED

SHERRY THOMAS
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May 29, 2024
Bill No. 240060
Committee on Housing, Neighborhood Development and the Homeless
Testimony- Legal Clinic for the Disabled

Thank you for the opportunity to submit testimony regarding Bill No. 240060, addressing discrimination faced by Housing Choice Voucher holders. I am Sherry Thomas, Director of Housing at the Legal Clinic for the Disabled (LCD). LCD is a direct legal services agency, providing free legal services to low-income individuals living with physical and mental health disabilities. We are also a partner in the Philadelphia Eviction Prevention Project, providing legal representation to people facing eviction.

Housing is a human right. This Council has shown that they believe this to be true and this bill is a logical next step to address what, I believe, is a widely accepted but insidious discrimination against people who simply don't have enough money to access this right. Rejection of low-income renters can be disguised as simply a "money" issue- the idea being that it all comes down to dollars and cents- that as long as you have the money, then you should have no problem obtaining housing. However, what this bill recognizes that it is not simply a "money" issue. Simply having access to funds does not translate into having access, period.

Financial disparities disproportionately affect women and people of color. Seniors and people with disabilities on fixed incomes especially feel the crush of rising rents and lack of enough affordable housing. For some, the only way to access safe and suitable housing is with the assistance of a subsidy. By rejecting or screening out people who plan to pay with subsidies, what is sometimes just characterized as a neutral "money" issue quickly becomes discrimination based on race, gender and disability.

I have seen it time and time again- landlords who do not wish to accept rent from someone because 100% of the money does not come from the renter and renters who don't wish to disclose to their landlord or potential landlord that they may be paying their initial deposits or rent through a rental assistance program. They know that there is potential for them to be discriminated against because of where their funds come from. For our clients on a fixed income, this is stressful, anxiety-inducing, and can feel hopeless, because the HCV is literally the only way for them to access safe and suitable housing.

In theory, the subsidy should give people on a fixed income better access to the private rental market. However, many tenants in the private rental market find a shrinking pool of options. Locating landlords who accept the HCV is difficult. Finding a landlord who accepts vouchers can sometimes feel like finding the proverbial "needle in a haystack." Not long ago, an LCD client who holds a Housing Choice Voucher, located a desirable rental property. The property appeared available and the potential tenant was able to fill out an application. Initially,

the landlord gave no indication of any possible limitations and encouraged the tenant to apply. However, after the landlord found out the potential tenant was using a voucher, the renter was told they were no longer looking at applications and that even if they were, priority was being given to former tenants. The renter was then encouraged to apply elsewhere. This is a frustrating situation, especially for those with physical and mental limitations. Living with a disability often means less time and less ability to expend effort in finding housing. People living with disabilities often spend considerable time performing activities of daily living and accessing medical care. Additionally, those living with mental health disabilities experience limited bandwidth, making any effort on searching for housing especially valuable and the failure of that effort especially discouraging. Several of our HCV clients who have agreed to move out of their current property by specific dates have yet to find properties that accept their vouchers, despite having months to search.

If a tenant does happen to be accepted and reaches the lease signing stage, the tenant must then wait to see if a landlord will accept the rent limits placed by the subsidy. Anecdotally, LCD has seen clients who have reached this final stage, after months of process, only to be told that the landlord did not accept the offered rental rate. To not know this until the last stage is devastating for someone who has already spent several weeks or months working with one potential landlord and now, has to start from zero. LCD supports any measures that will get renters and landlords the information on potential rental rate earlier in the process.

The examples provided are only a sample of the challenges LCD sees from our HCV clients at every stage of securing a rental. Source of income discrimination can be as explicit as a landlord stating they will not rent to Housing Choice Voucher holders. It can also be implicit, as HCV holders are distinguished from non-HCV renters because of the process they must go through. At every stage, there is opportunity for an HCV holder to walk away from the process empty handed because they are an HCV holder. For people living with physical and mental health disabilities, the process can be especially frustrating and devastating. People with limited income and time expend considerable effort to only be told "no" simply because of the way the rent will be paid. The subsidy, which some wait for for over a decade, means nothing if tenants are unable to meaningfully use it.

LCD is encouraged by and supports this Bill, which addresses a discrimination that is often overlooked. It is not acceptable to be turned away just because you need a Housing Choice Voucher to access housing. Explicitly calling out that Housing Choice Voucher discrimination exists and giving people a way to challenge that discrimination is one step in providing meaningful access. Thank you.

Testimony for Bill 240060
Kia Ghee, Esq.
Executive Director, Philadelphia Commission on Human Relations
May 29, 2024

Good afternoon, Chairperson Gautier and members of the Committee on Housing, Neighborhood Development, and the Homeless. Thank you for the opportunity to testify at this hearing regarding Bill #240060.

I am Kia Ghee, Executive Director for the Philadelphia Commission on Human Relations (PCHR). As the City's official civil rights enforcement agency, our office administers and enforces the Fair Practices Ordinance which protects Philadelphians from unlawful discrimination in housing. I am here today to testify in support of Bill #240060, which aims to strengthen protections against source of income discrimination, particularly concerning housing choice voucher programs. As the Executive Director of the agency that enforces Philadelphia's anti-discrimination laws, I have seen firsthand the insidious ways in which this form of discrimination perpetuates inequality and hinders social mobility.

Source of income discrimination occurs when landlords refuse to rent to individuals based on their lawful sources of income. This includes income derived from public assistance, disability benefits, Social Security, child support, or housing choice voucher programs. Such discrimination is unjust because it denies individuals and families the basic right to secure housing.

We live in a time when the cost of living continues to rise, and affordable housing becomes increasingly scarce. In Philadelphia, the housing choice voucher program serves approximately 20,000 families. For many, housing voucher programs are lifelines that ensure their ability to keep a roof over their heads. It also provides these families with essential financial assistance that allows them to afford decent housing in Philadelphia's private rental markets. Despite the undeniable benefits of this program, many families still face far too many barriers when seeking a place to live simply because of how they pay their rent.

Bill #240060 provides greater protections for renters using housing vouchers by explicitly prohibiting landlords from communicating or advertising that they do not accept housing vouchers, refusing to make repairs, or refusing to comply with minor administrative requirements of the housing choice voucher program. The bill also offers an expedited private right of action for renters whose rights are violated.

Changes like those proposed in this bill have been shown to substantially reduce the number of landlords who refuse to accept vouchers and increase access to higher-opportunity neighborhoods.

Philadelphia is known for its diversity. Source of income discrimination undermines the City's goal of fair housing practices across all its neighborhoods. Moreover, discriminatory practices disproportionately affect the most vulnerable members of our community, including people of

color, women, individuals with disabilities, and those with lower incomes. It exacerbates existing inequalities and perpetuates cycles of poverty and instability.
PCHR is committed to ending this discriminatory practice and all forms of discrimination. We support stronger legal protections that explicitly prohibit source of income discrimination in housing. This includes ensuring that landlords cannot refuse applicants based on lawful sources of income, and that they cannot set different terms or conditions for tenants who rely on these sources.

We recognize that many landlords do not fully understand the implications of their discriminatory practices or the benefits of accepting a diverse range of income sources. We plan to use the resources allocated to us to engage in more robust public education campaigns to inform both tenants and landlords about their rights and responsibilities. Furthermore, we will continue to seek additional resources that will allow us to strengthen our enforcement mechanisms to ensure that violations of these protections are met with appropriate consequences.

In closing, we stand ready to partner with City Council to enforce these and other protections for Philadelphia's most vulnerable populations.

Thank you for your time. I am available for any questions you may have.

My name is Gianni Parente. I am the northeast US multifamily investment officer for EQT Exeter, a large real estate private equity investment manager, based in Radnor. I live in South Philadelphia and have been responsible for the development of over 1,000 units in the City of Philadelphia in three large projects. I have also been responsible for developments and acquisitions in the DC area, Delaware, Boston, and Providence Rhode Island. Our latest project, The Clark, located at 46th & Chestnut, is a 327-unit building with 10% of the units reserved for residents earning 60% of Area Median Income or less. As we were opening the building late last year, we were approached to see if we might have the ability to house some of the residents of the University City Townhomes. I believe at this time, there were about a dozen folks that had not found replacement housing and needed to be in University City, for one reason or another. We had the units available that were being set aside as affordable, so that worked out well. The one wrinkle was that the UC Townhome residents were Housing Choice Voucher holders and could not independently income qualify for the affordable units. We had no experience as a firm with HCVs, but we were willing to give it a try. The process was relatively painless to become a first-time HCV landlord, with only a minimal delay. We were required to submit some paperwork and take a training course. This took approximately 30 days. In a brand-new building, with first generation leases, there was not much capital expense work that had to be done for the units to qualify. While only a handful of the UC Townhome residents chose our building, we continued down the path to find HCV tenants to fill the remainder of the affordable units. Mostly, we were having trouble finding prospects that made enough money to qualify for the income restricted units but were also under the AMI threshold. The HCVs provided a good pipeline of prospects as we were introduced to several other organizations that place residents, such as the Veterans Multi-Service Center. Today, most of our HCV residents have come through PHA housing fairs, the UC Townhomes, or the VMC. We have had a good experience as a landlord, and we will continue to pursue HCV residents for future buildings in Philadelphia. There is an obvious need for more units, the PHA has been a very willing partner, and it makes good economic sense

for our investors. Of the 33 affordable units, approximately 30 are HCV holders. The HCV program has allowed us the flexibility to deal with any issues and concerns that have arisen, though few and far between.

Some other interesting feedback that we have gotten is that the needs of these residents differ slightly from our "market rate" customers. The HCV residents, especially ones with children, need game rooms and playgrounds, not pool tables and rooftop decks. We are taking this into consideration in the future.

Due to my good experience as an operator of apartments that accept Housing Choice Vouchers, I am here to voice support of Bill No. 240060. Having very clear and consistent guidelines is very important for the business community so insofar as the bill clarifies any outstanding questions regarding HCVs, I believe it is useful. I am also supportive of having more landlords in the city accept HCVs as a means to produce affordable housing quickly and economically for those that need it so desperately.

Thank you for your time.

Philadelphia City Council
Housing Committee
Bill #240060
Strengthening Anti-Discrimination Protection for Voucher Holders
May 29, 2024

Good morning, Committee Members,

My name is Latoya Maddox, and I am the Senior Independent Living Specialist at Liberty Resources Inc. Our mission at the Center for Independent Living is to ensure and support the rights of people with disabilities, enabling them to live and thrive within the community.

I'd like to share the experience of one of our consumers, CS, who has been enduring voucher discrimination since July 2022. We assisted CS in obtaining a housing choice voucher, after which CS diligently searched for an accessible unit and a landlord willing to accept the voucher. She was unsuccessful. After much effort, CS found an accessible unit and pleaded with the landlord to accept the voucher, but the landlord refused. Desperate for housing, CS took the unit at market rate and is now dependent on family support to pay the rent. This precarious situation is unsustainable, and CS's story is all too common.

In Philadelphia, housing is scarce, and low-income individuals, especially those with disabilities living on Social Security, are in desperate need of subsidized housing. Obtaining a voucher is already a challenging process, but at Liberty Resources, we often find that even after securing a voucher, individuals face immense stress and fear because they cannot find landlords with accessible units willing to accept it. Whether due to stigma or misinformation, we need landlords to be educated about housing choice vouchers and for the city to address the housing crisis by enforcing rules that protect our most vulnerable residents.

The part of the proposed legislation that excites us most is the "immediate private right of action." Currently, individuals who face voucher discrimination must file their complaint with the Philadelphia Commission of Human Relations, which can take over a year to process. This timeline is impractical for voucher holders actively searching for housing. However, the proposed amendments would allow voucher holders to file discrimination complaints directly in court, enabling them to seek emergency relief. This change would be especially beneficial for those in need of accessible housing, allowing them to act swiftly when a landlord refuses their voucher. For example, a voucher holder needing wheelchair-accessible housing could

immediately challenge a discriminatory landlord in court and secure the unit, rather than waiting a year for the Commission's decision.

Thank you for the opportunity to testify today.

PACDC
PHILADELPHIA ASSOCIATION
OF COMMUNITY DEVELOPMENT CORPORATIONS

Testimony on City Council Bill #240060
Enhancing Source of Income Protections
Before Committee on Housing, Neighborhood Development, and the Homeless
Garrett O'Dwyer for PACDC
May 29, 2024

Good morning Chairperson Gauthier, Vice Chair Landau and members of City Council's Committee on Housing, Neighborhood Development, and the Homeless. My name is Garrett O'Dwyer and I am the Associate Policy Director for the Philadelphia Association of Community Development Corporations (PACDC). Thank you for the opportunity to testify before the Housing Committee in favor of Bill #240060, that will enhance protections for housing voucher recipients by further clarifying landlord responsibilities and improving tenant remedies.

We believe that housing is a human right and that all Philadelphians deserve to live in safe, affordable homes in communities of choice. After water, food, and oxygen, housing is a basic human requirement. When we lack access to safe, affordable housing we are unable to thrive in other important ways. Our health suffers and our horizons darken as life outcomes are greatly diminished.

For a variety of reasons, the private market has failed to be able to meet the needs of our lowest income neighbors. The Housing Choice Voucher program is a critical component of our social safety net and allows thousands of Philadelphia families to live safely while maintaining affordability in areas that have seen dramatic increases in values. Unfortunately, too many property owners ignore their obligations under City law to offer tenancy irrespective of source of incomes. As a result, too many voucher holders are burdened in finding accommodations and the value of the voucher program as a tool to combat displacement is greatly diminished. It is our hope that today's bill offers a strong corrective to this problem by clarifying landlord's responsibilities under the City code and increasing the range of prohibited activities surrounding source of income discrimination, as well as improving a tenant's right to seek remedy.

I would like to thank Chairperson Gauthier for her leadership in introducing this bill and other legislation as part of her "Defying Displacement" campaign. Last year PACDC released our Equitable Development Policy Platform which we crafted with our 60 CDC members and with the input of over a hundred local and national experts. In it we identified the need to combat the risk of the displacement that comes with rising property values in our communities. This bill offers a critical contribution to those efforts given the importance of the problem presented by the refusal of some landlords to accept housing vouchers.

PACDC is once again grateful to be able to offer our enthusiastic support for Bill #240060 and thank you for the opportunity to testify this morning.

Thank you,

Garrett O'Dwyer
godwyer@pacdc.org

Philadelphia Housing Authority
Comments on Bill No. 240060
May 29, 2024

The Philadelphia Housing Authority (PHA) provides housing and rental assistance to over 80,000 low-income Philadelphians living in more than 30,000 housing units. Through its Housing Choice Voucher (HCV) program, PHA provides rental assistance to over 20,000 families, seniors, veterans and persons with disabilities at private or non-profit owned properties. HCV is PHA's and the City's largest affordable housing program and provider.

The U.S. Housing and Urban Development's (HUD) Housing Choice Vouchers, more popularly known as Section 8 rent subsidies, were created to help low-income people find decent housing outside poor communities. Along with the Fair Housing Act of 1968, they were a remedy intended to end the policies and practices that lock out marginalized communities from safe and stable housing, and deny promising students access to better schools. Unfortunately, a 2018 study from the Urban Institute found that 67 percent of landlords in Philadelphia refuse to accept vouchers—and this rejection rate rises to 83 percent in low-poverty neighborhoods.

These problems persist even though the practice of refusing vouchers is prohibited in Philadelphia where the Fair Practices Ordinance explicitly bars landlords from refusing to rent based on "any lawful source of income, [including]...housing assistance programs." Renters receiving housing assistance are also covered by various federal, state, and local fair housing laws that prohibit discrimination based on race and disability. But still PHA voucher holders report challenges finding suitable housing.

Voucher holders are often turned away because Owners can legally refuse to rent based on a person's source of income (the voucher). Some common barriers voucher holders face when searching for housing include being turned away due to low credit score ratings, requiring higher incomes, or a property owner not wanting to cooperate under the rules of the HCV program. Owners are more likely to turn them away due to the extra steps needed, i.e., inspections, rent negotiations and signing the contracts that PHA requires. Owners may also believe the rents they charge in the increasingly competitive private rental market cannot be matched by PHA.

PHA is heartened to see City Council taking steps to help address these challenges and create a more equitable rental market in Philadelphia. Most changes in the proposed Bill are well-intentioned to help voucher holders find apartments free from discrimination based on source of income. However, because PHA is increasingly both an "owner" of units that receive housing choice voucher payments and the administrator of the Housing Choice Voucher Program ("HCV"), the Fair Practices Ordinance could be interpreted to apply to *our administration of the HCV Program.*

As members of the City Council are aware, PHA operates under a very complex set of federal regulations & guidelines HUD for the administration of the HCV Program. In that light, there are two sections in BILL NO. 240060, as currently written, that are problematic to PHA: those provisions that deal with the restriction of services and/or cooperation with the completion of required information necessary for voucher rental/eligibility (*m* and *n*.)

> *(m) For any person to refuse or restrict availability, services, examinations, repairs or improvements of housing accommodations because a potential or current tenant has a source of income that includes housing assistance, such as rental assistance vouchers.*
>
> *(n) For any person to fail to cooperate with a potential or current tenant in completing and submitting required information and documentation necessary for Section 8 voucher eligibility or eligibility in another rental assistance program.*

These two provisions can be read in a manner that could potentially claim that PHA staff committed a housing discrimination by not "quickly" completing an inspection or "failing to cooperate," as during its HUD-required review of documentation/paperwork. These provisions would interfere with PHA's ability to administer the program in accordance with HUD regulations and PHA policies, which require PHA to follow certain processes before issuing a voucher or scheduling an inspection. They could also potentially expose PHA to burdensome claims of discrimination, when it is merely administering its HUD-regulated HCV program, requiring PHA to spend scarce public resources to defend itself in court.

PHA is open to further discussions with Council on potential solutions. One potential solution would be to exempt PHA from the Fair Practices Ordinance or limit the exemption to note when PHA is acting as the administrator of HUD's HCV program. For example, the legislation could be amended to state, *"subsections (m) and (n) shall not apply to the Philadelphia Housing Authority when acting in its capacity as the administrator of the Section 8 Housing Choice Voucher Program."*

PHA is otherwise wholly-supportive of this package and helping increase the quality and efficiency of the affordable housing market in Philadelphia. To this end, PHA has spent the last few years collaborating with landlords, and engaging them in honest – and sometimes difficult - conversations about ways to streamline the program. Nonetheless, challenges persist for our voucher holders, including those who joined the Wait List in 2023.

In 2021, after learning that almost half of PHA's voucher holders were taking more than four months to find a suitable home, PHA decided to offer financial incentives to entice landlords to lease to its Section 8 tenants. Since that time, over **2,000** new landlords in Philadelphia rented **4,000 units** to voucher holders for the first time.

PHA has paid its landlords more than $3 million in financial bonuses to help low-income tenants compete more successfully for private housing and compensate landlords for the time required to process a voucher and inspect units. Additionally, PHA has established *The Owner Assurance Fund*, which is designed to protect property owners from unexpected damages that go beyond normal wear and tear. Property owners who participate in the HCV program can receive reimbursement of up to $2,500 towards repair expenses after deducting any security deposit.

PHA supports our participating HCV property owners with dedicated team of PHA employees who can assist with navigating through the program's processes including an **Owner Services** team a direct point of contact for owners. In 2019, PHA hired an **Owner Liaison** who leads our agency-wide efforts to effectively market PHA's Housing Choice Voucher program to new and existing landlords and owners with the goal of expanding and retaining the number of units available to families receiving voucher rental assistance.

Owners interested in learning more about the program attend a free PHA/HCV Landlord Briefing Session and an average of 30 owners attend the sessions each week, which is held every Wednesday night at 5pm at PHA's Headquarters at 2013 Ridge Ave. Owners ready to participate in the program are required to attend a PHA Owner Certification course and, on average, 100 owners are attending the training each month to receive their certificate to begin renting to voucher holders.

In 2020, in the midst of the COVID-19 pandemic, PHA also launched a new and improved **Owner Portal**, which dramatically upgrades the property owners' online experiences by giving them access to transactions, forms, and resources, and reducing response times. The Portal provides owners access to complete all of their HCV transactions online and also includes Owner News and Resources, downloadable payment Ledgers, and a streamlined online leasing process including a Move Tracker to view each step required to lease to an HCV tenant.

The Portal also includes several **inspection improvements** including 2 hour time windows, automated reminders for scheduled inspections via email and phone, and the ability to schedule pre-tenant inspections. Owners can now also request re-inspections and extension requests through the Owner Portal and photos of completed repairs can now be submitted through our new Self-Certification option.

HCV continues our **Owner Outreach Program** to promote the benefits of the HCV program including connections with agencies who advocate for local property owners such HAPCO (Homeowners' Association of Philadelphia), BIA (Building Industry of Philadelphia) and the City of Philadelphia's new Landlord Gateway. The HCV program has also connected with Real Estate companies as the housing market stabilizes. Agents are now recommending to rent and offer HCV as possibility to secure guaranteed income.

At the same time, our Housing Opportunity Program (HOP) seeks to help voucher holders find homes in the city's most desirable neighborhoods. HOP provides Mobility Counseling to

assist HCV Program families in using their voucher to find and move into quality housing in top-rated communities. Opportunity Areas offer more desirable life opportunities for HCV Program families, including a better quality of life and housing, economically diverse neighborhoods, and access to better schools and nearby shopping. The HOP program provides a wonderful business opportunity for owners and property managers to provide rental units for HCV Program participants. Rather than search for housing completely on their own, voucher holders who volunteer for HOP are assigned a housing counselor. The counselor works with them and participating owners to identify their needs and then helps them to locate housing in Opportunity Areas.

And, our landlord incentive program shows promise in expanding housing access across the city. In October 2023, HUD used private sector data, including Zillow, to estimate changes in Fair Market rents to align with market conditions. In Philadelphia, we saw dramatic increases averaging **between 20-25%** and increasing rents almost $200 in some zip codes. The higher rents have allowed PHA voucher holders to access and secure more units and has increased owner participation in the HCV program. Half of the new units rented by landlords we recruited through financial incentives and our owner outreach program were in the higher rent categories, including 350 who leased voucher holders units in Opportunity Areas or High-Opportunity Areas.

PHA now works with more than **5,500** private landlords through the HCV program and pays out over $15 million each month, on behalf of HCV participants, to participating owners in Philadelphia in monthly rental payments.

HOUSING EQUALITY CENTER of Pennsylvania

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Fort Washington, PA 19034
267-419-8918
equalhousing.org

May 28, 2024

Councilmember Jamie R. Gauthier
City Hall, Room 316
Philadelphia, PA 19107

Re: Bill No. 240060

Dear Councilmember Gauthier,

I am writing to you on behalf of the Housing Equality Center of Pennsylvania (HECP) to offer comments in support of Bill No. 240060, clarifying source of income protections for residents using housing vouchers.

HECP has worked since 1956 to advocate for the rights of individuals and families to have equal access to the housing of their choice in the Greater Philadelphia region. HECP's work seeks to address the issue of housing discrimination, both the direct and specific effect of discrimination on individual s and the broader impact of historical and present-day housing discrimination on our region's communities. We offer a variety of programs and services to the public to ensure that consumers have equal access to housing on a nondiscriminatory basis and that they understand their rights under fair housing laws. We also serve the housing industry with training and technical assistance to ensure that housing professionals understand and comply with fair housing laws.

One of the activities conducted by HECP is fair housing testing, or mystery shopping, to determine whether housing providers are complying with fair housing laws. Over the past three years, HECP has conducted testing for compliance with source of income protections in rental housing under Philadelphia's Fair Practices Ordinance. During this time, we have found that rental providers in Philadelphia advertising units withing the Fair Market Rent tell prospective tenants that Housing Choice Vouchers are not accepted at their properties 68 percent of the time. Furthermore, advertisements for Philadelphia rental units indicating overtly that vouchers are not accepted are widespread. These ads, in addition to recurring comments made by landlords and property managers to testers during these investigations, such as telling testers that "we are not required to" or "owners decide individually whether or not they want to participate in the Section 8 program", lead us to presume that there is a widespread perception among housing providers in Philadelphia that engaging in discrimination based on source of income is a lawful practice. As of this writing, HECP has filed three formal enforcement actions against rental providers in Philadelphia, alleging violations of the Fair Practices Ordinance and/or the Federal Fair Housing Act.

Clarifying that Housing Choice Vouchers are explicitly included in "housing assistance programs" under the Fair Practices Ordinance's existing prohibitions on source of income would eliminate any ambiguity as to the illegality of discrimination against voucher holders. Increasing provider education and compliance with source of income protections is vital to ensuring the rights of individuals and families who utilize housing vouchers to access the housing of their choice.

Thank you for your attention to this important issue and for the opportunity to comment.

Sincerely,

Rachel Wentworth
Executive Director

Proposed Amendment to Bill No. 240060

Deletions in ~~Strikethrough~~
Additions in **Bold**

AN ORDINANCE

Amending Chapter 9-1100 of The Philadelphia Code, entitled "Fair Practices Ordinance: Protections Against Unlawful Discrimination," to clarify and enhance protections against housing discrimination for housing assistance program participants, to modify certain procedures for investigation of housing discrimination complaints and conciliation, appeal and election of civil action of all complaints filed with the Commission, and to make related technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-1100 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9: REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-1100. FAIR PRACTICES ORDINANCE: PROTECTIONS AGAINST UNLAWFUL DISCRIMINATION

* * *

§ 9-1102. Definitions.

* * *

(1) For purposes of this Chapter the following terms shall have the following meanings:

* * *

(cc) Source of Income. Shall include 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.] *programs, including but not limited to the Housing Choice Voucher (sometimes referred to as "Section 8") Program and comparable rental voucher programs.*

* * *

§ 9-1108. Unlawful Housing and Real Property Practices.

(1) It shall be an unlawful housing and real property practice to deny or interfere with the housing accommodation, commercial property or other real property opportunities of an individual or otherwise discriminate based on [his or her] race, ethnicity, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, disability, marital status, age, source of income, familial status, or domestic or sexual violence victim status, including, but not limited to, the following:

* * *

(g) For any person to harass, threaten, harm, damage or otherwise penalize, retaliate or discriminate in any manner against any person because [he, she or it has complied] *of such person's compliance* with the provisions of this Chapter, [exercised his, her or its] *exercise of* rights under this Chapter, [enjoyed] *enjoyment of* the benefits of this Chapter, or [made] *making* a charge, [testified] *testimony in* or [assisted] *assistance* in any manner in any investigation, proceeding or hearing hereunder.

* * *

(i) For any person to give false or misleading information, written or oral, with regard to the sale or rental of any housing accommodation, commercial property or other real property for the purpose of discriminating, including, but not limited to, representing that a property is not available for inspection, sale or rental when such property is, in fact, so available, *or representing that a property does not accept or is not eligible for use of* ***certain types of source of income, including but not limited to housing*** ~~*rental*~~ *assistance vouchers, such as "Section 8" Housing Choice Vouchers.*

* * *

(m) For any person to refuse or restrict availability, services, examinations, repairs or improvements of housing accommodations because a potential or current tenant has a source of income that includes housing assistance, such as rental assistance vouchers.

(n) For any person to fail to cooperate with a potential or current tenant in completing and submitting required information and documentation necessary ***to receive any source of income, including but not limited to*** ~~*for*~~ *Section 8* ***Housing Choice*** *Voucher eligibility or eligibility in another* ~~*rental*~~ ***housing*** *assistance program.*

* * *

§ 9-1115. Investigation.

* * *

(2) When a complaint contains one or more allegations under Section 9-1108

(relating to unlawful housing and real property practices), the investigation concerning those allegations shall be commenced within thirty (30) days and completed within one hundred (100) days after the filing of the complaint, unless it is impracticable to do so, in which case the Commission will notify the parties in writing of the reasons for not doing so. *A complainant may request and* ***shall*** *receive a Notice of Right to Sue if the Commission has not completed the investigation within one hundred (100) days after the filing of the complaint or determines during the one-hundred-day period that it will be unable to do so.* ***Notice of Right to Sue shall be sent via postal mail or electronic mail.***

* * *

§ 9-1116. Conciliation.

* * *

(2) Any conciliation agreement arising out of conciliation efforts by the Commission shall be an agreement among the respondent, the complainant, and the Commission and shall require the approval of the Commission. Each conciliation agreement shall be made public *on the Commission's webpage within 30 days of execution of the agreement*, unless the complainant and respondent otherwise agree, and the Commission determines that disclosure is not required to further the purposes of this Chapter or the Fair Housing Act.

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§ 9-1119. Judicial Review.

(1) Any party aggrieved by any order of the Commission may appeal to any court of competent jurisdiction within (30) days after the mailing of notice of such order by the Commission to the aggrieved party or the party's attorney. *Except in the case of housing practices violations where an aggrieved party may appeal within ninety (90) days of notice* ***receipt*** ~~*mailing*~~***, said notice to be sent via postal mail or electronic mail.***

(2) If no appeal is taken within thirty (30) days, the order of the Commission shall be final and conclusive and shall not be subject to review by any court in any action, including any proceedings to obtain enforcement. *Except in the case of housing practices violations where the right to appeal expires* ~~*within*~~ ***after*** *ninety (90) days.*

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§ 9-1122. Private Right of Action.

(1) If a complainant invokes the procedures set forth in this Chapter, that person's right of action in the courts of the Commonwealth shall not be foreclosed. If within one (1) year after the filing of a complaint with the Commission, the Commission dismisses the complaint or has not entered into a conciliation agreement to which the complainant is a party, the Commission must so notify the complainant. On receipt of such a notice the

complainant may bring an action in the Court of Common Pleas of Philadelphia County, **or any court of competent jurisdiction** based on the right to freedom from discrimination granted by this Chapter. ***Consistent with § 9-1115(2), the Commission has one hundred (100) days from the filing of a complaint in a housing practices violation matter to provide notice to the complainant regarding the resolution of the complaint or to provide a Notice of Right to Sue, said notice to be sent via postal mail or electronic mail.***

(2) An action under this Section shall be filed within two years after the date of notice from the Commission closing the case. Any action so filed shall be served on the Commission at the time the complaint is filed in court. The Commission shall notify the complainant of this requirement.

(3) **Any person aggrieved by an owner's alleged violation of Section 9-1108 shall have a private right of action against such owner and may bring an action outside of the procedures set forth in this Chapter in the Court of Common Pleas of Philadelphia County or any court of competent jurisdiction to compel compliance with this section within two years after the occurrence of the alleged unlawful practice.**

(4) The court may grant any relief it deems appropriate, including the right to recover for each violation:

(a) Compensatory damages;
(b) Punitive damages;
(c) Reasonable attorney's fees;
(d) Court costs; and
(e) Such other relief, including injunctive relief, as the court may deem appropriate.

(5) Nothing in this Chapter limits the right of an injured person to recover damages under any other applicable law or legal theory.

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SECTION 2. Effective date. This Ordinance shall take effect three months following its enactment.