

TESTIMONY ON BILL No. 190386

Legal Representation in Landlord Tenant Court

Rasheedah Phillips, Esq., Shriver Center on Poverty Law
November 14, 2019

Good morning, my name is Rasheedah Phillips, currently the Advocate Resources and Training Attorney with the Shriver Center on Poverty Law, and former Managing Attorney of the Housing Unit at Community Legal Services. Thank you for the opportunity to testify on BILL NO. 190386 today.

It is an unfortunate fact that in our country, access to basic needs and opportunities is racialized. Housing exclusion, instability, and segregation are all racial in nature, sewn into the very fabric of our institutions, policies, and our value systems. Although roughly 3 million people around the country are evicted each year, it is not a coincidence that who gets evicted falls along racial and gender lines - most frequently impacting Black women and their children, and in Philadelphia, impacting Black families disproportionately in spite of their level of income. It is instead by design that we have gotten ourselves here and it is only by purposeful and intentional design of better policies that we can begin to unravel those structural and institutional inequities that consistently leave Black families and other marginalized and vulnerable people behind. BILL NO. 190386 offers a solution that recognizes that legal aid is a cost-effective way of preventing homelessness and can help provide outcomes for families that minimize disruptions to health and safety, and employment and education.

In 2017, at the first City Council resolution to explore the eviction crisis, the City heard some of its most vulnerable residents demand equal access to justice in eviction court. With the support of City Council, the Mayor, and the Department of Housing and Community Development, the Philadelphia Eviction Prevention Project, also known as PEPP, launched in January of 2018, allowing our City to join dozens of cities and states around the country who are exploring similar eviction prevention and legal representation pilot programs. We now have an opportunity to join the handful of cities who have made the bold leap to pass legislation providing universal access to attorneys for our City's most vulnerable resident.

PEPP, the Mayor's Eviction Prevention Task Force, and the Philadelphia Bar Association Civil Gideon Task Force and others have done the work and the research to show that, although the majority of evictions appear to be over money, there is something deeper, more nuanced, more insidious at the base of these evictions, and that the crisis on our hands is a systemic issue, not an individual issue - one that requires a long-term, systemic solution. It recognizes for example, that our City's housing stock is old and deteriorating,

particularly in areas of the City that have seen historic disinvestment, and that this leads to housing conditions that, by law, no resident should be obligated to pay rent for. Yet residents end up paying lifelong prices for with their health, as their children, for example, endure the lifelong impacts of lead poisoning, or as they end up with inaccurate eviction records that prevent them from accessing affordable housing for the rest of their lives.

This legislation recognizes that because of the desirability of living in our City, our neighborhoods are being rapidly gentrified and seeing disproportionate rent increases and tax increases, such that, according to a study by the National Community Reinvestment Coalition more than 12,000 African Americans in Philadelphia moved out of gentrifying neighborhoods over a 13-year period. Beyond the damage to individuals and families who are thrust into poverty and homelessness, evictions and forced displacement unravel the fabric of a community, helping to ensure that neighbors remain strangers and that their collective capacity to promote civil engagement remains untapped.

Access to justice is a moral imperative - one's ability to access the justice system and defend their shelter, their home, cannot be based on who can afford a lawyer this is should not be a question of resources, but that it is the very cornerstone of our justice system. The scales of justice should never be tipped in favor of a landlord's ability to profit. When we talk about ensuring that every tenant who wants one has the right to access a lawyer, we are not just talking about balancing out the justice system so it can continue business as usual, just more efficiently. What we are really talking about is a shift in access to opportunity and power, a shift in whose voice gets heard, a shift in who gets access to the sort of information that could change their futures. One of the most innovative aspects of this bill is the requirement to provide community education in neighborhoods directly impacted by the eviction crisis to educate and empower tenants and communities on their housing rights and responsibilities. This helps to ensure that tenants know their rights before they come into contact with the courts, so that credit-damaging eviction filings and default judgments where tenants don't get an opportunity to work out resolutions, are reduced.

There is still a lot of work to be done to ensure that Philadelphians can access safe, stable, and affordable housing and prevent the devastating effects of homelessness and housing instability, and unjustified evictions. We know that this is not a one-size fits all solution nor will it end the housing crisis that is ravaging our city and our country. It is, however, one critical and proven-to-be effective tool towards the end of reducing housing instability and homelessness in Philadelphia, one that recognizes that housing is one of the most important stabilizing factors, as a gateway to stable employment, educational, and other opportunities. We have gone a long way towards leveling the playing field for tenants, but we need to continue to ensure fairness in the court process and prevent homelessness for our most vulnerable residents by passing this legislation. Let's ensure that every low-

income and vulnerable tenant in the City will be able to access critical services to help them avoid homelessness and displacement.