



## No. 21 EM 2020

### The Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness

200 First Avenue, Fourth Floor  
Pittsburgh, PA 15222  
412.697.1311  
pa-interbranchcommission.com

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Chief Justice Max Baer  
801 City-County Building  
414 Grant St.  
Pittsburgh, PA 15219

Re: Docket No. 21 EM 2020

Dear Chief Justice Baer:

We hope this letter finds you well.

On behalf of the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness, we are writing to the Court to express gratitude for its October 28<sup>th</sup> order authorizing the continuation of the Philadelphia Municipal Court Landlord-Tenant Diversion Program through November 30, 2021. We are also writing in support of the Philadelphia Bar Association's additional request that the Court grant local president judges the authority to enter their own orders regarding rental assistance and diversion programs without first needing to file a petition.

The Court's decision to extend Philadelphia's eviction diversion program will have an immediately positive impact on the city's most financially vulnerable individuals. As you are likely aware, Philadelphia launched the program on September 1, 2020, at the height of a pandemic that has made the economic consequences of eviction even more pronounced. Since its inception, the program's success has been remarkable. Nearly 90% of cases regarding tenants' non-payment of rent have successfully been diverted to pre-filing mediation, thereby easing the financial burdens borne by low-income individuals, disproportionately African-American renters. The program's diversion of eviction-based cases has also allowed Philadelphia's Municipal Court to manage its docket more efficiently by both reducing the court's caseload and allowing cases that actually require litigation to receive timely trials.

Due to the program's success, Philadelphia's Municipal Court relied on the powers granted to it via the statewide judicial emergency to issue an order *requiring* landlords to apply for rental assistance and participate in diversion prior to filing a case in court. Because the Supreme Court elected to terminate the statewide emergency on July 6, 2021 however, president judges in counties across the Commonwealth must now petition the Court before they can enter orders requiring landlords' participation in such programs. Even for those counties whose petitions are eventually


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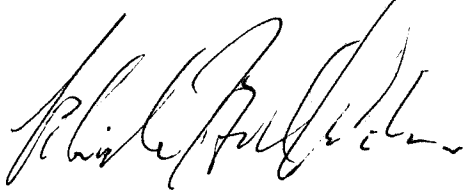
granted by the Court, the delayed implementation of diversion programs means that the pandemic's enduring hardships will continue to impact indigent individuals.

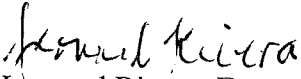
Accordingly, without action by the Court granting president judges the ability to enter their *own* orders requiring such programs, the evictions of the indigent – and the disastrous consequences for their families – are likely to resume across the Commonwealth. Relatedly, an individual's ability to avoid eviction potentially turns on the effectiveness of his district's petition to the Court and, also, how quickly that district files its petition and receives a response thereto. Thus, by giving districts the flexibility to implement their own orders, the Court can both honor the success of eviction diversion programs and assist our Commonwealth's most disadvantaged citizens in a manner responsive to the ongoing challenges of an unprecedented pandemic.

Thank you for your attention to this important matter, and please do not hesitate to contact us with any questions or concerns regarding the above.

Sincerely,

  
Lisette McCormick, Esq.  
Executive Director

  
Rhonda Hill-Wilson, Esq.  
Co-Chair

  
Leonard Rivera, Esq.  
Co-Chair

cc: Interbranch Commission Members