

**SUPREME COURT OF PENNSYLVANIA**

---

21 EM 2020

---

**IN RE: FIRST JUDICIAL DISTRICT OF PENNSYLVANIA – PHILADELPHIA  
MUNICIPAL COURT’S REQUEST PURSUANT TO PA.R.J.A. 1952(B)(2)(S) TO  
AUTHORIZE THE CONTINUATION OF THE *PHILADELPHIA MUNICIPAL COURT  
LANDLORD-TENANT DIVERSION PROGRAM***

---

**PHILADELPHIA CITY COUNCIL’S RESPONSE IN SUPPORT OF  
PHILADELPHIA MUNICIPAL COURT’S REQUEST TO CONTINUE THE  
LANDLORD-TENANT DIVERSION PROGRAM**

---

Pursuant to this Court’s order of October 28, 2021, Philadelphia City Council hereby files this Response in support of the Philadelphia Municipal Court’s Request to Extend the Philadelphia Municipal Court Landlord-Tenant Diversion Program (filed Oct. 20, 2021, and granted in part on Oct. 28, 2021).

For the reasons stated in the attached letter (Exhibit A, incorporated herein by reference), City Council supports the continuation of the Landlord-Tenant Diversion Program. Further, City Council respectfully requests that the Court consider authorizing local courts throughout the state to institute ADR procedures in eviction cases if they so choose.

Respectfully submitted,

CITY OF PHILADELPHIA LAW DEPARTMENT  
DIANA P. CORTES, CITY SOLICITOR

Dated: November 5, 2021

*/s/ Jennifer MacNaughton* \_\_\_\_\_  
Jennifer MacNaughton (I.D. 88424)  
Senior Attorney, Appeals  
City of Philadelphia Law Department  
1515 Arch Street, 17th Floor  
Philadelphia, PA 19102-1595  
(215) 683-3561  
jennifer.macnaughton@phila.gov

*Counsel for Philadelphia City Council*

## EXHIBIT A

Philadelphia City Council Letter in Support of  
Philadelphia Municipal Court Landlord-Tenant Diversion Program



# CITY OF PHILADELPHIA CITY COUNCIL

HELEN GYM  
ROOM 592, CITY HALL  
Philadelphia, PA 19107  
(215) 686-3420 or 3421  
Fax No. (215) 686-1930

COUNCILMEMBER AT-LARGE

The Honorable Max Baer  
Chief Justice, Supreme Court of Pennsylvania  
601 Commonwealth Avenue  
Suite 1500  
Harrisburg, PA 17120

Dear Justices of the Supreme Court of Pennsylvania,

On behalf of our City Council body, we thank the Supreme Court for your leadership and swift action to allow flexibility to local jurisdictions seeking to maintain efficient and fair operations during these challenging times. We write to appeal to you with regard to Philadelphia's Municipal Court Landlord-Tenant Diversion program, which stands as the City's signature Alternative Dispute Resolution (ADR) effort to help avoid evictions for both landlords and tenants who might qualify for rent assistance or seek an alternative resolution. This program is authorized by the Supreme Court on a temporary basis until October 31.

The combination of housing counseling, mediation, and rental assistance provided through the program has proven extremely successful. In over 90% of cases, the participating parties avoided eviction. To date, the diversion program has also supported the distribution of over **\$200 million in rental assistance funds** to over **33,000 households**.

An important feature of Philadelphia's program is its pre-filing mandate. Pennsylvania does not allow for the expungement of eviction filings from a tenant's record even when alternatives to eviction are reached. Because of the pre-filing mandate, a tenant who goes through mediation and a landlord who must apply for rent assistance prior to filing for eviction can exit from a situation without the stain of an eviction filing on a tenant's record.

As a result of the pre-filing requirement, the Municipal Court has seen a reduction in filings from 20,000 annually before the pandemic to under 5,000 last year. The major reduction in filings has expedited hearing timelines and resulted in significant savings for the courts by preventing litigation at the trial and appellate levels. For example, when the Court reopened last year there was a 4-month delay between date of filing and a hearing date, and the delay was growing longer due to more cases being filed than could be scheduled. Within six months of the Philadelphia order requiring diversion, the court is now scheduling hearings within 30 days of filing.

For these reasons, the City has committed significant resources and staffing to the program until 2024. The pre-filing eviction diversion program has also been heralded by the White House and U.S. Department of Justice as a national model that should be widely replicated for its

effectiveness in reducing evictions and stabilizing landlords and tenants during the current crisis.

Given the enormous success of the program and the availability of additional federal rent assistance funding, we ask your consideration in granting the request of the First Judicial District to extend the authorization for Philadelphia's Municipal Court Landlord-Tenant Diversion program.

Failing to continue the program beyond October 31, 2021, would result in an abrupt end to a highly successful program and leave on the table potentially-available rent assistance dollars meant to help struggling landlords and tenants.

- Over **60,000 Philadelphia households** are currently seeking rental assistance.
- Philadelphia recently received an additional **\$35 million** in federal rent assistance and further funding is anticipated. Another **\$300 million** is expected to be made available to counties like Philadelphia in the coming months, thus expanding the program significantly.

Additionally, ending the program could put at risk a citywide investment that supports legal aid organizations and housing counseling groups which have been working around the clock to effectively find alternatives to eviction, reduce filings, and support improved processes in our municipal courts. Lack of reauthorization would threaten the major investments we have made to establish this model program, and would risk overwhelming our city's homeless service system.

We also respectfully ask the Court to institute authorization for local courts throughout the state to institute ADR procedures in eviction cases, if they so choose. Philadelphia has consulted with multiple other counties which are in the process of developing their own versions of ADR procedures that work best for their own counties. The significant benefits of such programs—including court management as well as the avoidance of unnecessary time and cost to litigants—certainly extend beyond the pandemic.

Thank you for your leadership and consideration of these important issues.

Sincerely,



Helen Gym  
Councilmember At-Large



Darrell Clarke  
Council President, 5<sup>th</sup> District



Cindy Bass  
Councilmember, 8<sup>th</sup> District



Kendra Brooks  
Councilmember At-Large

Allan Domb  
Councilmember At-Large

Jamie Gauthier  
Councilmember, 3<sup>rd</sup> District

Derek Green  
Councilmember At-Large

Bobby Henon  
Councilmember, 6<sup>th</sup> District

Kenyatta Johnson  
Councilmember, 2<sup>nd</sup> District

Curtis Jones  
Councilmember, 4<sup>th</sup> District

David Oh  
Councilmember At-Large

Brian J. O'Neill  
Councilmember, 10<sup>th</sup> District

Cherelle L. Parker  
Councilmember, 9<sup>th</sup> District

Katherine Gilmore Richardson  
Councilmember At-Large

Maria Quiñones-Sánchez  
Councilmember, 7<sup>th</sup> District

Mark Squilla  
Councilmember, 1<sup>st</sup> District

Isaiah Thomas  
Councilmember At-Large