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November 5, 2021

The Honorable Max Baer
Chief Justice, Supreme Court of Pennsylvania
c/o Office of the Prothonotary
468 City Hall
Philadelphia, PA 19107

Re: **Response in Support of Pennsylvania Supreme Court Order No. 21 EM 2020
Authorization for Continuation of the Philadelphia Municipal Court Landlord-
Tenant Diversion Program**

Dear Justices of the Supreme Court of Pennsylvania,

I am writing to request your ongoing support for Philadelphia's nationally renowned use of Alternative Dispute Resolution in eviction proceedings. I appreciate your leadership in continuing to extend authority for Philadelphia to require landlords to apply for rental assistance and participate in Philadelphia's pre-filing Eviction Diversion Program, most recently via your Order dated October 28, 2021, No. 21 EM 2020. I would like to request that you continue to extend this authority beyond November 30, 2021. I further request that you grant this authority to other counties, so that residents there can also benefit from collaboration between the courts, rental assistance, and other stabilizing measures. To do so, I respectfully request that you issue a rule that allows a local county's President Judge to issue their own local rule creating or coordinating with Alternative Dispute Resolution (ADR) procedures in eviction proceedings, if they so choose.

I have been serving as volunteer mediator since Fall 2020 and I also have represented tenants in landlord-tenant court, on and off, since 2012. Out of 40 mediations I have handled, only one was unable to come to an agreement. The rest resulted in agreements that made sense and satisfied the landlord and the tenant. There is a wholly different quality to mediation when it is done between two equally informed parties without the pressure of a same-day court hearing. In my five years experience as a paralegal assisting pro-se tenants, I saw over and over how tenants would sign terrible agreements in court because they were terrified of being in front of a judge and they were not informed of their rights and options. They need the time with a housing counselor to consider their specific circumstances and discuss the best options for them, without the pressure and fear that is present with mediations at court.

Consider that:

- Since April 1, 2021 Philadelphia Municipal Court has required that landlords apply for rental assistance and participate in Philadelphia's Eviction Diversion Program before filing an eviction case for non-payment of rent.
- Philadelphia's Eviction Diversion Program began on September 1, 2020 and has helped over 2,300 landlord tenant pairs in reaching an agreement or resolution with the support of housing counselors and trained mediators in over 90% of cases. The Program has also helped an additional 7,000 landlords and tenants access rental assistance without the need for mediation.

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- Philadelphia currently leads the nation in distribution of federally allocated rental assistance with over \$212 million distributed to over 34,700 households.
- Philadelphia has received national attention for these programs and the collaboration between the Court, the Diversion Program and the rental assistance program from the Department of Justice, White House, Urban Institute and major national media outlets.
- Philadelphia has avoided the wave of evictions predicted. Eviction filings in Philadelphia are less than a third of what they were pre-pandemic.

Thank you for your consideration of this request.

Respectfully Submitted,


Heather J. Hulit, Esquire
Director of Client Advocacy