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Senate of Pennsylvania

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REPLY TO:

Harrisburg

October 22, 2021

The Honorable Justices
Pennsylvania Supreme Court
601 Commonwealth Avenue, Suite 4500
Harrisburg, PA 17120

Honorable Justices:

We write to urge the Court to grant the President Judge of Philadelphia Municipal Court's request to extend the authorization of its nationally recognized¹ Landlord-Tenant Alternative Dispute Resolution ("ADR") program. Continuing this program is vital to get rental assistance funds to landlords and tenants in need, alleviate pressure on an already overburdened municipal court system, and ensure that the federal government does not recapture funds for Pennsylvania.

The ADR program has been a remarkable success by several metrics. ADR has not only deterred 7,000 cases from reaching the point where landlord files for eviction due to non-payment of rent, but it has also supported over 2,300 additional landlord and tenant pairs in mediation, with nine out of every ten mediation cases reaching a resolution pre-filing.² Each one of these deterred and mediated disputes represents one fewer case litigated within our already overburdened Municipal Court system. And perhaps most important, each of these cases represents a tenant who is now free of the stigma associated with having an eviction filing associated with their name.

Given the clear success of the ADR program, it is no surprise that Philadelphia is leading the nation in the distribution of rental assistance. To date, the City has disbursed nearly \$200 million in funds to landlords and tenants in Philadelphia.³ Continuing Philadelphia's ADR program will benefit the entire Commonwealth, as our statewide success in spending federal rental assistance dollars will ensure that funds are not recaptured by the Treasury Department.

¹ See Will Parker, *Mass Eviction Didn't Result After U.S. Ban Ended, Despite Fears: Rental assistance, local policy changes helped keep eviction rates lower than expected*, WALL STREET JOURNAL (Oct. 14, 2021) <https://www.wsj.com/articles/mass-evictions-didnt-result-after-u-s-ban-ended-despite-fears-11634203800>; see also *Letter to Chief Justices of State Supreme Courts*, DEPARTMENT OF JUSTICE (June 24, 2021) <https://www.justice.gov/asg/page/file/1405886/download>

² Michael Froelich, *Testimony in Support of the Philadelphia Neighborhood Preservation Initiative*, Community Legal Services (Oct. 6, 2021) <https://clsphila.org/housing/ncpi-testimony/>.

³ See *Philadelphia COVID-19 Emergency Rental and Utility Assistance Dashboard*, CITY OF PHILADELPHIA (Oct. 15, 2021) [https://phlrentassist.org/dashboard/\(showing \\$199,761,853.89 spent through all four phases of the rental assistance program\)](https://phlrentassist.org/dashboard/(showing $199,761,853.89 spent through all four phases of the rental assistance program)).

Our position as state legislators gives us unique insight into the statewide administration of the rental assistance program. While many counties – notably those with ADR programs or similar court orders, such as Allegheny, Bucks, Montgomery, and Philadelphia – have distributed large portions of their federal rental assistance dollars, other counties have had less success getting those funds out the door.⁴

The Treasury Department issued new guidance on October 4, 2021, stating that the federal government would begin reallocating funds from states who had not spent their rental assistance dollars to those who had.⁵ Pennsylvania is explicitly at risk – the state has spent only 33% of its allocation of funds as of September 1, 2021⁶ and must submit an improvement plan to Treasury in the coming weeks.

The courts of the Commonwealth, led by this Court, have risen to the immense challenges caused by the COVID-19 pandemic. Your actions have ensured that the administration of justice continued while recognizing the unique burdens the pandemic placed on litigants, advocates, and court personnel alike. This Court's leadership led to the success of Philadelphia's ADR program, and we ask that you grant the President Judge's request to continue it.

Sincerely,



Christine M. Tartaglione
State Senator, 2nd District



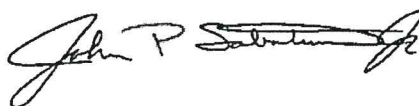
Senator Nikil Saval
State Senator, 1st District



Senator Sharif Street
State Senator, 3rd District



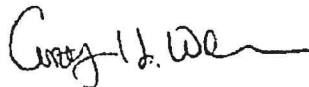
Senator Art Haywood
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Senator John Sabatina
State Senator, 5th District



Senator Vincent Hughes
State Senator, 7th District



Senator Anthony H. Williams
State Senator, 8th District

⁴ ERAP Expenditure Report through August 31, 2021, PENNSYLVANIA DEPARTMENT OF HUMAN SERVICES, <https://www.dhs.pa.gov/ERAP/Documents/ERAP%20Program%20expenditure%20totals%208.31.21.pdf>.

⁵ Emergency Rental Assistance Under the Consolidated Appropriations Act, 2021 Reallocation Guidance, UNITED STATES DEPARTMENT OF TREASURY (Oct. 4, 2021) <https://home.treasury.gov/system/files/136/ERA-Reallocation-Guidance.pdf>.

⁶ See footnote 5.