

RIGHT TO COUNSEL ANNUAL REPORT

FY2022

BACKGROUND

Like many cities in the nation, Philadelphia is experiencing an eviction crisis, which disproportionately impacts Black and brown residents and women. Eviction not only impacts the individual household, but also destabilizes communities.¹ To provide more equitable access to legal representation and protect tenants' rights, the City of Philadelphia launched Right to Counsel (RTC). Right to Counsel is one part of the Philadelphia Eviction Prevention Project (PEPP) which provides a range of legal support services from its contributing organizations: Clarifi, Community Legal Services (CLS), Legal Clinic for the Disabled (LCD), Philadelphia VIP, SeniorLAW Center (SLC), and Tenant Union Representative Network (TURN).

RTC guarantees free legal representation to eligible low-income tenants with an annual gross income at or below 200% Federal Poverty Level. This includes tenants facing eviction, PHA housing subsidy termination, or other lease or tenancy termination proceedings. City Council passed legislation guaranteeing this right in November 2019.² The City enacted regulations regarding Right to Counsel in December 2021.³ RTC is currently available in two zip codes (19139 and 19121). These two initial zip codes were selected due to the high number and rate of evictions, and proportion of families in poverty in the zip codes.⁴ This report focuses on data for the first five months of the program, from the launch of RTC (February 1st, 2022) through the end of the 2022 fiscal year (June 30th, 2022).

Right to Counsel applies to proceedings in four settings:

MUNICIPAL COURT (MC)

Complaints from a landlord filed against their tenant.

FAIR HOUSING COMMISSION (FHC)

Administrative proceedings to enforce fair rental practices where tenancy is at risk.

COURT OF COMMON PLEAS (CCP)

Action in ejectment cases (determinations of who has the better right to possession of a property) and appeals from Municipal Court and FHC based on merit.

PHILADELPHIA HOUSING AUTHORITY (PHA)

Grievance hearings to dispute a lease termination notice.

HIGHLIGHTS

RIGHT TO COUNSEL YEAR 1 (2/1/22 - 6/30/22)

- In the RTC zip codes, 38% of tenants received representation in Municipal Court compared to a citywide representation rate across all Philadelphia zip codes of 20.6%.
- 203 tenants in the RTC zip codes received advice or legal representation from PEPP partners in Municipal Court.
- RTC-represented tenants avoided all default judgments and were more likely to enter into a Judgment by Agreement (JBA) where attorneys could help them negotiate reduced judgments, more time to move, and payment plans.
- Partners created a coordinated intake process with Legal Server case management software. This allowed for a streamlined and standardized e-transfer system from TURN to all PEPP partners.
- Lessons from the first year will inform continued outreach strategy for RTC, including expanding coverage in proceedings outside of Municipal Court (i.e., FHC, PHA, and CPP), and increasing RTC participation for Latinx/a/o populations.
- The next RTC zip codes will be determined using the same methodology used to determine zip codes for the launch, with the goal of eventually implementing Right to Counsel citywide.

LEGAL SERVICES CASE OUTCOMES

As of July 1, 2022, 157 cases have been closed out of the 203 RTC cases opened in the first five months of RTC. Of the 157 closed cases, PEPP provided advice in 52 cases where there was no covered proceeding or it was determined there was no need for full legal representation. For cases that required more than advice, PEPP advocates provided 105 tenants with full representation.

LEGAL SERVICES DEMOGRAPHICS

The demographics of tenants receiving legal services were generally reflective of the zip code populations and the populations disproportionately experiencing eviction, particularly Black women.

RTC DEMOGRAPHIC COMPARISON						
	Percent of Renters: Ethnicity ⁵	Percent of Renters: Race ⁵			Percent of Renters: Gender ⁵	Family Poverty ⁵
	HISPANIC	BLACK	WHITE	ASIAN	FEMALE HEADED HOUSEHOLDS	<200% FPL
RTC Participants	<1% ⁶	87%	4%	0.5%	79%	100%
Population of 19121 ⁷	7.90%	73.5%	19.7%	3.6%	58.4%	55.7%
Population of 19139 ⁷	4.0%	78.9%	11.1%	0.9%	54.3%	56.5%

MUNICIPAL COURT

FILINGS IN MUNICIPAL COURT		REPRESENTATION RATES IN MUNICIPAL COURT	
19121	241	Unrepresented Tenants	279 (62.4%)
19139	206	PEPP Represented Tenants	161 (36%)
TOTAL	447	Privately Represented Tenants	7 (1.6%)

COMPARISON OF COURT OUTCOMES FOR TENANTS IN RTC ZIP CODES		
	PEPP-Represented Tenants (161)	Unrepresented Tenants (279)
Judgment by Agreement	101 (63%)	70 (25%)
Case Withdrawn	31 (19%)	75 (27%)
Case Pending	25 (15%)	15 (5%)
Trial	4 (1%)	5 (2%)
Default	0 (0%)	114 (41%)

FAIR HOUSING COMMISSION

- The FHC accepted five complaints in 19121 and four complaints in 19139 that were filed after 2/1. Of those complaints, only one case had a hearing.
- This case did not receive representation from a PEPP attorney.

COURT OF COMMON PLEAS

- There were five cases in 19121 and eight cases in 19139 filed after 2/1. Five cases are disposed (the case is over) while the other cases are still pending.
- Of the five closed cases, PEPP represented in one case.

PHILADELPHIA HOUSING AUTHORITY

- There were nine grievance hearing cases in 19121 and two cases in 19139.
- Of the eleven cases, PEPP represented in one case.

TENANT ENGAGEMENT AND EDUCATION

- CLS sent 356 targeted mailings to tenants in RTC zip codes with an upcoming Municipal Court hearing.
- Philly Counts made 276 calls to approximately 150 households in RTC zip codes with an upcoming hearing.⁸ 50 of these calls resulted in a connection to TURN.
- TURN hotline staff provided support to 211 tenants in 19121 and 311 tenants in 19139.
- PEPP partners held six virtual community outreach events relating to RTC.

ENDNOTES

- ¹ City of Philadelphia. (2018, June). [Mayor's Taskforce on Eviction Prevention and Response](#).
- ² City of Philadelphia. (2014, January). [The Philadelphia Code and Home Rule Charter](#).
- ³ City of Philadelphia. (2021, December). [Regulations Regarding Chapter 9-800 of The Philadelphia Code: 3 Landlord and Tenant](#).
- ⁴ Reinvestment Fund. (2021, December). [Identifying Zip Codes for Initial Rollout of Section 9-808 of The Philadelphia Code](#).
- ⁵ U.S. Census Bureau. *2016-2020 American Community Survey 5-year estimates*.
- ⁶ Two of the three legal services agencies ask race and ethnicity as a combined intake question. As such, this may result in an undercount of ethnicity.
- ⁷ We note that ACS data are not available for specific postal zip codes, rather the Census creates a “generalization” of zip codes in what they term *Zip Code Tabulation Areas* (ZCTA). Although we reference zip codes, we use data from the ZCTAs. For a more thorough explanation of the comparison of zip codes and ZCTA, see: <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/zctas.html>.
- ⁸ Philly Counts estimates 150 because a few households had multiple numbers, but no address to help remove duplicates.