

## **Emergency Housing Protection Act Regulation Report**

This report presents an overview of the Regulations implementing Bills No. 200294 (“Eviction Diversion Program”), 200295 (“Residential Eviction Relief” and “Commercial Eviction Relief”), 200302 (“Temporary Waiver of Certain Fees”), and 200305 (“Mandatory Hardship Repayment Agreement”), collectively creating Section 9-809 **“COVID-19 Emergency Housing Protections”** (hereafter referred to as the **“Emergency Housing Protection Act”** or the **“EHPA”**)<sup>1</sup> of the Philadelphia Fair Housing Ordinance (Section 9-800, et seq. of the Philadelphia Code), which became law on July 1, 2020, in response to the COVID-19 pandemic, as they were amended in December 2020 and January 2021. The EHPA introduced several protections for renters affected by the COVID-19 pandemic, including an eviction moratorium, waiver of late fees, mandatory mediation prior to filing for eviction, mandatory payment plans for delinquent rent and remedies for tenants experiencing self-help eviction practices

As the pandemic continued, in September 2020 and November 2020, City Council introduced bills to amend the EHPA, specifically Bills No. 200420 (“Temporary Waiver of Certain Fees”), 200421 (“Mandatory Hardship Repayment Agreement”), and 200616 (“Eviction Diversion Program”). These Bills, which became law on December 1, 2020 and January 20, 2021, extended and modified some of the previous protections under the EHPA.

The Philadelphia Fair Housing Commission (hereafter referred to as the **“FHC”** or **“the Commission”**) is the City agency that administers and enforces the Fair Housing Ordinance.

### **I. Legislative History**

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<sup>1</sup> While technically a collection of ordinances, Section 9-809 has colloquially been referred to as an Act and this report will continue to use this terminology as it has become familiar within the housing community.

On March 6, 2020, in response to the global crisis surrounding the COVID-19 pandemic, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency. On March 23, 2020, the Governor of Pennsylvania issued a Stay-at-Home Order applying to Philadelphia and numerous surrounding counties.

In response, on May 1, 2020, Philadelphia City Council introduced the Emergency Housing Protection Act, adding emergency tenant protections to the Philadelphia Fair Housing Ordinance. The relevant bills were amended during the public hearing process, and passed City Council on June 18, 2020. On July 1, 2020, the Mayor of Philadelphia signed the EHPA into law.

In September 2020 and November 2020, City Council passed two bills amending the EHPA and extending some of the EHPA's protections into the future as the pandemic continued. On December 1, 2020, the Mayor signed these two amendments into law. On December 10, 2020, City Council passed an additional amendment to the EHPA, which was signed on January 20, 2021, by the Mayor.

## **II. Regulation History**

On September 17, 2020, the FHC adopted "Emergency Regulation Regarding Chapter 9-809 COVID-19 Emergency Housing Protections" (hereafter referred to as the "**EHPA Regulations**"). On September 23, 2020, Pennsylvania Apartment Association (hereafter referred to as "**PAA**") through counsel Brianna Westbrooks, Esquire, submitted comments and questions on the adopted regulations. On October 9, 2020, the Homeowners Association of Philadelphia (hereafter referred to as "**HAPCO**") through counsel Paul Cohen, Esquire, submitted comments and requested a public hearing on the adopted regulations.

In September 2020 and November 2020, City Council introduced amendments to the EHPA, before the FHC could schedule and advertise a public hearing on the adopted EHPA Regulations. These amendments ultimately became law in December 2020 and January 2021.

The FHC subsequently drafted amended regulations incorporating the late 2020 and early 2021 amendments, and considering the comments and suggestions submitted by PAA and HAPCO. On June 6, 2021, the FHC adopted the “2021 Emergency Regulation Regarding Chapter 9-809 COVID-19 Emergency Housing Protections” (hereafter referred to as the “**Amended EHPA Regulations**”). The Amended EHPA Regulations were filed approved by the Law Department on June 14, 2021, filed with the Philadelphia Department of Records on June 16, 2021, and advertised in the local newspapers on June 29, 2021.

Per HAPCO’s previous request with respect to the 2020 EHPA Regulations, the FHC scheduled a Zoom public hearing on the Amended EHPA Regulations on July 22, 2021 at 11:00 a.m. On July 20, 2021, Counsel for the FHC, Assistant City Solicitor (“ACS”), Alison deMedeiros, Esquire emailed HAPCO’s counsel Mr. Cohen, to inform him personally of the public hearing date and time, and to provide him with the link to the Zoom meeting. On July 21, 2021, the FHC advertised the public hearing in the Philadelphia Tribune, and by posting the information in the Curtis Building (601 Walnut St., Suite 300 South, Philadelphia, PA 19106) where the FHC’s offices are located.

### **III. Post Hearing Outcomes**

On July 22, 2021 at 11:00 a.m. via Zoom, the FHC conducted a public hearing on the Amended EHPA Regulations. A quorum of Commissioners was present: Commissioner Juan Baez,

Commissioner Darlene Butler, Commissioner Tony Lewis, and Commissioner Jennifer Sang. Counsel for the FHC, ACS deMedeiros was also present.

At 11:15 a.m., when no member of the public appeared at the hearing, the Commissioners placed on record that a quorum was present, and no members of the public had appeared. The Commissioners then concluded and exited the Zoom hearing. ACS deMedeiros remained in the Zoom hearing until 12:00 p.m. to monitor for late arrivals. No one arrived at the public hearing from 11:00 a.m. to 12:00 p.m. Additionally, no comments or questions were submitted to the FHC regarding the Amended EHPA Regulations.

#### **IV. Conclusion**

The FHC appreciates the public participation of providing input and recommendations to its regulations. The Commissioners considered all submitted questions and comments on the legislation and to the original EHPA Regulations and adjusted the Amended EHPA Regulations as it determined appropriate in response to those comments. After the adoption of the Amended EHPA Regulations, the FHC did not receive any additional public input. The Amended EHPA Regulations went into effect on June 16, 2021 when filed with the Department of Records because they are emergency regulations. This Report has been considered and adopted by the FHC in its public session on November 3, 2021, and will be filed with the Department of Records.