

1 **Office of the Managing Director**  
2 REGULATIONS REGARDING CHAPTER 9-800 OF THE PHILADELPHIA CODE:  
3 LANDLORD AND TENANT  
4  
5

6 **Section 1. Definitions.**  
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8 "Covered Individual" shall have the meaning provided in Section 9-808 of The  
9 Philadelphia Code ("Any person who occupies a dwelling in the City of Philadelphia  
10 under a claim of legal right other than the owner, including any tenant in a building  
11 owned, operated, or managed by the Philadelphia Housing Authority, whose annual gross  
12 income is not in excess of two hundred percent (200%) of the federal poverty guidelines  
13 as established and updated periodically by the United States Department of Health and  
14 Human Services (42 U.S.C. § 9902(2)),” or as amended).  
15

16 "Covered Proceeding" shall have the meaning provided in Section 9-808 of The  
17 Philadelphia Code ("Any judicial or administrative proceeding to evict or terminate the  
18 tenancy or housing subsidy of a Covered Individual, any proceeding deemed by a  
19 Designated Organization as the functional equivalent of such a proceeding, or any first  
20 appeal of such a proceeding, including any judicial or administrative proceeding to  
21 remedy a violation of Chapter 9-800 of this Code, Philadelphia Fair Housing Ordinance,  
22 or Chapter 9-1600 of this Code, Prohibition Against Unlawful Eviction Practices,” or as  
23 amended).  
24

25 "Designated Organization" shall have the meaning provided in Section 9-808 of The  
26 Philadelphia Code ("Any not-for-profit organization or association that has the capacity  
27 to provide Full Legal Representation to Covered Individuals facing eviction, agrees to  
28 adhere to the standards of practice set forth in regulations, and is designated by the  
29 Managing Director pursuant to this Chapter,” or as amended).  
30

31 "Designated Community Group" shall have the meaning provided in Section 9-808 of  
32 The Philadelphia Code ("A not-for-profit community organization or association that has  
33 the capacity to conduct tenant outreach, engagement, education, and information  
34 provision, and is designated by the Managing Director,” or as amended).  
35

36 "Full Legal Representation" shall have the meaning provided in Section 9-808 of The  
37 Philadelphia Code ("Ongoing legal representation provided by a Designated Organization  
38 to a Covered Individual and all legal advice, advocacy, and assistance associated with  
39 such representation. Such representation includes, but is not limited to, the filing of a  
40 notice of appearance on behalf of the Covered Individual in a Covered Proceeding,” or as  
41 amended).  
42

43 "Household" means all persons living in a dwelling occupied by a Covered Individual  
44 who share expenses in addition to housing expenses.  
45

46 “Subsidy” means rental assistance provided by the Philadelphia Housing Authority  
47 through the Housing Choice Voucher Program (Section 8, including tenant-based and  
48 project-based) funded by the United States Department of Housing and Urban  
49 Development.  
50

51 **Section 2. Determination of Eligibility for Representation.**  
52

53 A. An individual may establish the existence of a Covered Proceeding by providing any  
54 of the following:  
55

- 56 1) a notice to vacate or lease termination notice in a landlord-tenant context to  
57 the extent such notice indicates the initiation of a Covered Proceeding,  
58 provided that in the absence of a Covered Proceeding a Designated  
59 Organization shall offer advice appropriate to the individual’s circumstances  
60 based on such notice and other information provided by the individual;
- 61 2) a court eviction complaint, or, subject to Section 6 below, a first appeal of a  
62 ruling on such a complaint;
- 63 3) a notice of Subsidy termination;
- 64 4) a notice of a grievance hearing for lease termination, eviction, or Subsidy  
65 termination; or
- 66 5) a notice or other documentation of the existence of the functional equivalent  
67 of a Covered Proceeding, or facts justifying the initiation of a Covered  
68 Proceeding, as deemed by a Designated Organization, including any judicial  
69 or administrative proceeding to remedy a violation of § 9-800 of The  
70 Philadelphia Code, the Philadelphia Fair Housing Ordinance, or § 9-1600 of  
71 The Philadelphia Code, Prohibition Against Unlawful Eviction Practices.  
72

73 B. An individual must have annual gross income at or below 200% of the federal  
74 poverty guidelines to be considered a Covered Individual.  
75

- 76 1) An individual may use any of the following documentation, dated within the  
77 previous 90 days, to validate their annual gross income:  
78
  - 79 a. benefits award letter or COMPASS documentation for any  
80 government-issued benefit, including SSDI, SSI, SNAP, TANF,  
81 Medicaid, public housing, unemployment compensation, or  
82 LIHEAP;
  - 83 b. pay stubs;
  - 84 c. W-2 forms;
  - 85 d. income tax returns; or,
  - 86 e. other documentation that may be accepted at the discretion of a  
87 Designated Organization, including an EBT/ACCESS card.  
88
- 89 2) An individual who reports an income of zero dollars or other minimal amount  
90 shall provide a signed affidavit attesting to that income.  
91

92 3) A Designated Organization may, at its sole discretion, request additional or  
93 alternative information or documentation to validate an individual's annual  
94 gross income.  
95

96 C. Immigration status shall not be considered in evaluating eligibility for Full Legal  
97 Representation under Section 9-808 of The Philadelphia Code.  
98

99 **Section 3. Application.**

100  
101 Each individual seeking legal representation shall provide to the Designated Organization  
102 the following information:  
103

- 104 A. full name;
- 105 B. address of the dwelling subject to the Covered Proceeding;
- 106 C. income, including amount and source;
- 107 D. date of birth;
- 108 E. contact information, as requested and to the extent available;
- 109 F. the names of all adult Household members;
- 110 G. whether any Household members have legal representation in the same Covered  
111 Proceeding;
- 112 H. the number of minor children who live in the Household;
- 113 I. preferred language;
- 114 J. race and ethnicity, at the discretion of the individual;
- 115 K. disability status, at the discretion of the individual;
- 116 L. status as victim or survivor of domestic violence, stalking, or sexual violence, at the  
117 discretion of the individual; and
- 118 M. any other information the Managing Director or the Designated Organization deems  
119 relevant to the provision of legal representation.  
120

121 **Section 4. Scaling and Prioritization.**

- 122  
123 A. Pursuant to § 9-808(2)(c) of The Philadelphia Code, if there is insufficient funding to  
124 provide Full Legal Representation citywide, the Right to Counsel entitlement shall  
125 begin when there are sufficient funds to fund at least two zip codes. The Right to  
126 Counsel will expand to additional zip codes in each year that sufficient additional  
127 funding is available.  
128
- 129 B. Zip codes shall be selected by the Managing Director based on need as indicated by  
130 eviction data from the most recent year for which such data is available. To determine  
131 whether there are sufficient funds to provide Full Legal Representation to a zip code,  
132 the Managing Director shall account for the expected number of cases and projected  
133 uptake rate for counsel, the estimated cost per case, and administrative costs.  
134
- 135 C. To the extent that additional funds are available for representation beyond the  
136 designated zip codes, Designated Organizations may provide representation to  
137 Covered Individuals outside the designated zip codes, prioritizing such representation

138 based upon guidelines for prioritization established by the Managing Director in  
139 consultation with Designated Organizations and as specified in applicable contracts.  
140 Such guidelines may be based, in part, on the following factors relating to the  
141 Covered Individual's Household:  
142

- 143 1) presence of minor children;
- 144 2) presence of residents age 60 or above;
- 145 3) status as victim or survivor of domestic violence, stalking, or sexual violence;
- 146 4) family involvement with the Philadelphia Department of Human Services;
- 147 5) disability status;
- 148 6) language barriers;
- 149 7) geographical location;
- 150 8) any other factor that would make it especially difficult for an individual to  
151 represent their interests or to present their case in a Covered Proceeding  
152 without legal representation;
- 153 9) any other factor that would make it especially difficult for an individual to  
154 find appropriate housing in the event of an eviction or Subsidy termination; or
- 155 10) the lack of available representation for another Household member in the  
156 same Covered Proceeding.

157  
158 **Section 5. Standards of Practice.**

159  
160 Designated Organizations shall provide Full Legal Representation to eligible individuals  
161 consistent with the Pennsylvania Rules of Professional Conduct and in accordance with  
162 the City of Philadelphia Right to Counsel Standards of Practice in Covered Proceedings  
163 adopted and approved by the Managing Director, as well as requirements specified in  
164 applicable contracts and otherwise provided in writing by the Managing Director. The  
165 Standards of Practice shall be subject to periodic review and revision by the Managing  
166 Director.  
167

168 **Section 6. Appeals.**

169  
170 Full Legal Representation shall include a first appeal when the attorney provided by a  
171 Designated Organization determines that reasons for representation on appeal are  
172 meritorious and consistent with the applicable ethical obligations and standards of  
173 practice. Any further appeals shall be at the discretion of the Designated Organization.  
174

175 **Section 7. Termination of Representation.**

176  
177 Designated Organizations may terminate Full Legal Representation if a Covered  
178 Individual does any of the following:  
179

- 180 A. fails to establish eligibility to the satisfaction of the Designated Organization in  
181 accordance with the relevant requirements;
- 182 B. provides intentionally false information or documentation;

- 183 C. fails consistently or unreasonably to appear in court or for appointments with counsel;
- 184 or
- 185 D. fails to comply with any material provision of the retainer agreement.

186  
187 **Section 8. Community Outreach, Engagement, and Education.**

188  
189 Designated Organizations and Community Groups under contract with the Managing  
190 Director’s Office shall provide culturally sensitive tenant outreach, engagement, and  
191 education under the terms of such contracts and pursuant to written guidance of the  
192 Managing Director. Such Designated Organizations and Community Groups shall ensure  
193 that language access is sufficient to ensure broadly effective outreach, engagement, and  
194 education, and that such services are provided strategically and dynamically based on the  
195 needs of individual communities and neighborhoods. Such Designated Organizations and  
196 Community Groups shall consult with persons with lived experience navigating the  
197 eviction process as tenants in designing and implementing outreach, engagement, and  
198 education services.

199  
200 **Section 9. Court Appointments.**

201  
202 Designated Organizations shall seek to engage and coordinate with judicial staff to ensure  
203 that court appointments for eligible Covered Individuals result in prompt initiation of Full  
204 Legal Representation at the earliest phase practicable, including, to the extent appropriate  
205 and without limitation, by informing judicial staff of optimal routing of court  
206 appointments, and developing and proposing to judicial staff a protocol for continuances  
207 under certain circumstances.

208  
209 **Section 10. Reporting and Data Collection.**

210  
211 The Managing Director’s Office shall ensure that a third party with relevant research  
212 expertise conducts an evaluation of an initial period of implementation of Section 9-808  
213 of The Philadelphia Code.

214  
215 The Managing Director’s Office shall publish an annual report online based on  
216 information provided by Designated Organizations and Community Groups.

217  
218 Designated Organizations shall provide reports to the Managing Director’s Office on Full  
219 Legal Representation provided in Covered Proceedings, in a form and pursuant to a  
220 schedule provided by the Managing Director’s Office, including:

- 221 A. the number of individuals served, including data related to race, income, household
- 222 composition, and geography;
- 223 B. the types of Covered Proceedings involved; and
- 224 C. the outcomes of the cases.

225  
226  
227 Designated Community Groups shall provide reports to the Managing Director’s Office  
228 on outreach and engagement activities and information on the number of individuals

229 reached through outreach and education, consistent with applicable guidance from the  
230 Managing Director's Office.