

Evictions Unlimited



THE PHILADELPHIA FAIR HOUSING ORDINANCE (reprinted from The Philadelphia Code 2004)

Section 9-801. Legislative Findings.

The Council of Philadelphia hereby finds:

- (1) In order to protect the health, safety and general welfare of the citizens and inhabitants of the City, the City has enacted a comprehensive Fire Code and a comprehensive Housing Code.
- (2) The enforcement of these protective legislative measures has been seriously hampered because the owners of the property against whom tenants have filed complaints with the appropriate City authorities revealing Fire Code violations, have developed a practice of evicting complaining tenants for these reasons or upon other convenient pretexts.
- (3) Fearful of eviction, tenants have been hesitant to report violations and have been compelled to live under conditions which are in violation of existing ordinances and which create situations dangerous to the health and safety of tenants and the entire community.
- (4) Efforts of the existing Mayor's Fair Rent Committee to prohibit unfair rental practice has not proved effective because the Committee has lacked the power to subpoena witnesses or the production of records of owners or their agents who are leasing dwellings which are in violation of the Fire Code or the Housing Code as set forth in the Philadelphia Code.

Section 9-802. Definitions.

- (1) Commission. Fair Housing Commission.
- (2) Premises. Any single, duplex or multi-family dwelling.
- (3) Unfair Rental Practice. Any act in violation of Section 9-804.



Section 9-803. Fair Housing Commission.

- (1) A Fair Housing Commission is hereby created to be composed of 5 members to be appointed by the Mayor. The members of the Commission shall select from among the members a chairman. All of the members of the commission shall serve without compensation. The Commission shall have the power to hold hearings and conduct investigations in connection with unfair rental practice upon complaint or upon its own initiative. The Commission shall have power to compel attendance of witnesses and the production of documents as provided in Section 8-409 of the Philadelphia Home Rule Charter.

Section 9-804. Unfair Rental Practices.

- (1) Whenever any premises are found in violation of any provision of The Philadelphia Code and a notice of violation has been issued by any department or agency of the City, it shall be unlawful for any owner, landlord, agent or other person operating or managing such premises to
 - (a) terminate the lease with the existing tenant unless the tenant has failed to pay rent, committed a nuisance, committed waste or caused the premises to have been in such violation under the Philadelphia Code;
 - (b) offer, tender, give, exchange or transfer possession or the right to possession to any person not in possession of the premises upon any terms or conditions until the violation has been corrected; or
 - (c) make, alter, amend or modify any term or condition of any existing lease or arrangement of tenancy with any person in possession of the premises at the time notice of violation is issued until the violation has been corrected;
 - (d) make, alter, amend or modify any term or condition of any existing lease or arrangement of tenancy with any tenant for a period of one year after correction of any violations where the action against the tenant is intended to collect the cost or value of making any or all of the corrections necessary to comply with The Philadelphia Code and where also any violation has remained uncorrected, whether or not recorded by the Department of Licenses and Inspections, for a period

of one year or more prior to the date of correction. The burden shall be on the landlord to show that the violation has not existed



uncorrected for a period of one year or more prior to the date of correction in any legal proceeding in which the provisions of the ordinance shall be relevant.

- (2) It shall be unlawful for any owner, landlord, agent or other person operating or managing premises to terminate a lease with a tenant or make, alter, amend or modify any term or condition of any existing lease or arrangement of tenancy with a tenant in retaliation for:
 - (a) any violation having been found against the premises;
 - (b) the filing of a complaint alleging a violation;
 - (c) The joining of any unlawful organization, or other exercise of a legal right. It shall be unlawful for any owner, landlord, agent or other person operating or managing premises to refuse to lease any premises to a prospective tenant because he believes the prospective tenant has exercised any such right.

In any civil proceeding involving this provision in which the notice of termination or alteration of a term or condition of the lease was given within one year after a violation was found, a right of the tenant against the landlord, agent or other person operating or managing premises was exercised, or a correction made, whichever is the latest, it shall be the burden of the owner, landlord, agent or other person operating or managing such premises to prove that the notice was not given in retaliation for the exercise by the tenant of his legal rights.

- (3) The provisions of this section shall not apply to:
 - (a) Any bona fide transfer of title incident to a sale of the premises, but any subsequent owner, landlord, agent or other person operating or managing such premises shall be subject to the provisions of this Chapter.
 - (b) Any owner, landlord or agent or other person operating or managing any premises against which a notice of violation has been issued who desires to terminate an existing occupancy in order that the premises may be rehabilitated and the violation cured, and the Department of

Licensing and Inspections issues a certification that such work requires that the premises be vacated.



- (4) No owner, landlord, agent or other person operating or managing any premises shall unlawfully retain any security deposit, however styled in a lease.
- (5) No owner, landlord, agent or other person operating or managing any premises shall accept any rental payment under any written lease on the premises until he has given a fully executed copy of the lease to all parties to the lease.
- (6) No provision of this section can be waived or made subject to a contract between the parties depriving a tenant of the benefits of this section.

Section 9-805. Procedure.

- (1) Upon any complaint made to the Commission or upon its own initiative, the Commission shall have the power to fix the date, time and place when it shall conduct a hearing. Written notice of the date, time, and place of the hearing shall be sent at least 10 days prior to the hearing, to the owner or agent of the premises regarding which it is charged that an unfair rental practice has been committed. The notice shall set forth a brief statement of the facts upon which the complaint is based.
- (2) At the hearing, the complainant, owner and his agent and their respective witnesses shall have an opportunity to appear and be represented by counsel.
- (3) Upon a finding that an unfair rental practice has been committed, the Commission shall issue an order appropriate under the circumstances.
- (4) If the owner or agent shall fail to appear, the Commission may issue a subpoena as provided in Section 8-409 of the Philadelphia Home Rule Charter.

Section 9-806. Penalty.

- (1) Any person violating an order of the Commission or any provision of this Chapter is subject to a fine of not less than fifty (50) dollars and of not more than three hundred (300) dollars together with costs of prosecution and, in default thereof, imprisonment not exceeding 30 days.

