

TESTIMONY
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Good morning. I am Jane Downing, Senior Program Officer, Economic and Community Development at The Pittsburgh Foundation. Thank you for inviting me to testify this morning on eviction prevention. The Pittsburgh Foundation, established in 1945, works to improve the quality of life in the Pittsburgh region by evaluating and addressing community issues, promoting responsible philanthropy, and connecting donors to the critical needs of the community. Our grant making is focused on meeting basic needs and addressing issues of poverty. My portfolio includes affordable housing and prevention of homelessness and eviction.

Research studies indicate that eviction disproportionately affects the lowest-income residents, primarily women of color with children. It causes trauma due to loss of teachers and friends for children, and networks of friends, neighbors, and local institutions for adults. Many lose their possessions, incurring additional storage and moving costs. Eviction affects mental and physical health and may cause job loss. The consequences of evictions last far beyond the court process. Eviction filings are public records which often are sold to landlords who use the lists to deny housing, even if the rent owed was paid in full and no eviction occurred.

In 2016, I convened a group of affordable housing providers, activists, and legal aid attorneys to identify eviction prevention strategies. I quickly realized that the issues were far beyond the ability of the foundation alone to address. The Eviction Working Group includes a core group of about 25 representatives from city and county governments, the magisterial and appeals courts, housing authorities, renters and landlords, affordable housing providers and activists, and legal aid attorneys. Since 2020, the Working Group has been convened by the City of Pittsburgh's Commission on Human Relations, which I helped secure an invitation from the National League of Cities to join its first Eviction Prevention Learning Laboratory.

The Pittsburgh Foundation has implemented a participatory research study led by Dr. Michael Yonas, the Foundation's vice president of public health, research, and learning, which involved quantitative research on eviction filings with Allegheny County's Department of Human Services and a complementary qualitative analysis consisting of 40 interviews with tenants and landlords. The final report, Eviction in Allegheny County, was published on April 13, 2021.

Quantitative findings from the report include:

- **On average, from 2012-2019, there were 13,400 eviction filings a year in Allegheny County.** Nearly 90% of the filings are due to non-payment of rent. Landlords win approximately 85% of Landlord/Tenant cases filed in 46 Magisterial District Courts.

- **In 2018, on average, it took 42 days from the day a landlord tenant complaint was filed to the serving of an order of possession.**
- **About one-third of all landlord-tenant eviction filing cases involve just 15 landlords** who rent primarily to low-income tenants. Claims involve relatively small amounts of money—a median claim amount of \$1,645 in 2019.
- **The cost of eviction filings is often higher than back rent for low-income renters.** In 25% of cases, overdue rent accounts for less than half of the fees and fines that tenants are ordered to pay.
- **There is no uniform system to track eviction filings in Pennsylvania,** making it difficult to calculate the total number of actual evictions, and no method to track the number of tenants who move out when threatened with an eviction filing, which can lead to a loss of housing vouchers and ineligibility for future subsidized housing support.

Qualitative responses, all collected anonymously, include:

- “I can no longer pay this \$800, but I have nowhere else to go,” said a tenant about the financial struggles that result from the lack of affordable housing. “I’m trying to juggle: Do I pay some rent? Do I feed my kids? What do I do?”
- When tenants get ahead, their public benefits may be reduced and push them back into poverty. As one of the project’s advocates explained, “[You’re] penalized for every single dime [you] make. They jack up the rent and they back-charge \$1,000. You are working and you report it, and five months down the line, you are tacked on another \$1,000. So, it’s not a win-win situation.”
- Landlords find the housing voucher process onerous and frustrating. As one landlord said, “The last thing a landlord wants to do is evict. It’s a nuisance, it’s time-consuming and everyone loses.”

Recommendations from the research guided by direct input from tenants and landlords, the Eviction Working Group and the National League of Cities Eviction Prevention Cohort include creation of an eviction prevention system in Allegheny County. Highlights include:

- **Coordinating early intervention, diversion and housing stabilization programs** that includes publicly funded mediation to avoid the filing; rental and legal assistance before the filing, in Magisterial District Court, and on appeal; resource navigation to address issues related to the causes and effects of eviction; incentives for landlords to rent to low-income tenants; and education on landlord/tenant rights and responsibilities and anti-discrimination laws.
- **Reforming Magisterial and Housing Court policies and procedures,** which includes creating tailored procedures that support both tenant and landlord priorities; collecting and reporting demographic information to examine the impact of eviction by race, income, and gender, on who evicts and who is evicted; and eliminating and/or reducing court fees and fines.
- **Improving public housing administrative processes and procedures and making them easier to understand.** This includes making it easier for tenants to find landlords who agree to accept Housing Choice Vouchers.
- **Advocating for procedural, policy and legislative changes to create fair and equitable eviction policies.** This includes eliminating the waiver clause in private leases

for the 10-day “notice to quit,” a requirement of the Landlord Tenant Act and publicly assisted housing leases; sealing and expunging eviction filings to prevent discrimination against people who have paid the rent in full; and prohibiting discrimination against tenants based on source of income.

The coronavirus pandemic and the eviction moratoria brought into high relief the need for an emergency eviction prevention system to help both tenants and landlords. The CARES Act funding in 2020 provided the opportunity to jump start such a system in Allegheny County, the learnings from which have improved coordination in 2021. Program innovations include:

- **Mediation.** *Just Mediation Pittsburgh* trained 65 community mediators to respond to needs of landlords and tenants in housing disputes, primarily before evictions are filed.
- **Legal Assistance.** *Neighborhood Legal Services Association* provides brief legal assistance to those threatened with eviction through its Help Line and representation services for public housing tenants who appeal eviction cases, and trains community mediators, volunteer attorneys and housing advocates on the basics of the Landlord Tenant Act and legal protections available to tenants of public and assisted housing. New services include coordination of legal services before mediation and review of mediation agreements to ensure tenant rights are protected; legal representation of tenants at three magisterial district courts; and review of mediation agreements for clients who live in private housing, a new *Pro Bono Partnership* program. For income eligible city residents, the *Urban Redevelopment Authority* recently funded free mediation services, limited legal consultation and full legal representation for tenants, and tangled title and foreclosure prevention services for homeowners.
- **Rental Assistance.** *ACTION-Housing* is managing a CARES Act-funded rental and utility assistance program for the city and county and has contracted 17 community-based non-profits to assist families in securing needed application documentation. *Allegheny County Department of Human Services* is funding eight regional drop- in centers for the same purpose.
- **Court Assistance.** In 2017, The Pittsburgh Foundation provided eviction filing information to help Administrative Judge Christine Ward create a *Housing Court* for Landlord Tenant appeals from magisterial district courts. A Help Desk was created primarily to assist indigent tenants and in 2020, the *Urban Redevelopment Authority* provided funding to cure back rent. *Carnegie Mellon University's CREATE Lab* created an electronic eviction filing tracking system which *RentHelpPGH* uses to help Allegheny County's Department of Human Services schedule staff to attend eviction hearings in the appropriate magisterial district courts. *RentHelpPGH* also provides community volunteers with information on who has been filed against and the court hearing schedules, and the volunteers make phone calls, visit tenants' homes with resource information and/or go to the magisterial district courts with them. In 2021, *RentHelpPGH* is also providing the filing information to the mediation and rental assistance administrators. *Pennsylvanians for Modern Courts* has worked with over two dozen community- based organizations to organize town hall meetings for tenants, landlords and community organizations where magisterial district judges explain court procedures

in Landlord Tenant cases. It developed a handbook to explain the Landlord Tenant Act and is prepared to launch a Court Watch program.

- **Landlords.** Allegheny County's Department of Human Services (DHS) has developed a Housing Navigator Unit that helps clients find rental units in the private market and provides rental assistance and supportive services which helps tenants increase their self-sufficiency in a safe and affordable unit and ensures that the landlord's business needs are secured. A DHS Landlord Risk Mitigation Fund provides additional assurance beyond a security deposit to protect against unlikely losses due to excessive damage or abandonment.
- **Resource Navigation.** *RentHelpPGH* has a Help Desk where resource navigators work with residents to identify rent, utility, food medical, re-housing and other needed assistance, and then provides warm hand-offs to staff in community-based non-profits in their neighborhood.

Future Activities for The Pittsburgh Foundation. Since 2017, The Pittsburgh Foundation has invested nearly \$500,000 to support eviction prevention programs: Pennsylvanians for Modern Courts; the Housing Court Help Desk, Court of Common Pleas; Just Mediation Pittsburgh; Neighborhood Legal Services Association; and RentHelpPGH. Our immediate priorities are to implement the report's recommendations focused on the most vulnerable populations and poverty reduction:

Tenants: initiatives that advance tenant education and capacity on prevention issues such as understanding lease agreements, tenant rights, fair housing provision, legal representation, financial and service resources, and the need to communicate with their landlords, and expanding the capacity of local and regional groups to advocate for a permanent eviction prevention measure,

Landlords: Support the three public housing authorities by researching best practices, convening an interdisciplinary team from the Eviction Working Group to examine policies and administrative practices, particularly of the Housing Choice Voucher program, with a goal of piloting and evaluating systems changes, and exploring the capacity of the Risk Mitigation Fund.

Report Recommendations for the Policy Committee.

The eviction prevention system in Allegheny County that has evolved in the last year has been due primarily to allocations from the CARES Act funding to the state, counties, and municipalities. The report recommends:

- **Permanent funding for rental, legal, mediation, resource navigation and coordination of eviction prevention activities.**
- **Additional research.** The limitations of this report on eviction filings make it impossible to determine the actual number of evictions and understand the disparate impact on different

populations. The courts do not collect or report eviction filings by race, income and gender, or execution of orders of possession. Either legislative or Supreme Court rules changes could address those gaps. Additional research is needed to study evictions in the private market, which account for 71% of the eviction filings in Allegheny County.

- **Legislative initiatives** to make eviction policies against tenants fairer and more equitable. Current priorities include:
 - **Advancing eviction sealing and expungement.** The current system does not distinguish between eviction filings and actual orders of possession/evictions. There is no presumption of innocence, and no possibility of getting the record of an eviction filing sealed or expunged in Pennsylvania, even when a tenant pays back rent, wins the case, gets the case withdrawn or fulfills a court-ordered agreement deadline to remove the filing,
 - Changing the Landlord Tenant Act to **eliminate the waiver clause for the “Notice to Quit” in private leases.** This would give tenants 10 days to pay the back rent or negotiate a payment plan, avoiding the need for the filing.
 - Endorsing and proposing bills that **forbid discrimination against tenants based on source of income**, particularly Housing Choice Vouchers.
 - Supporting a **statewide analysis on the impact of fees and fines** on low-income families through the eviction process.

The Pittsburgh Foundation also supports Senate Bill 594, the Non-Profit Economic Emergency Delivery System (NEEDS) competitive grant program introduced with bi-partisan support in January 2021 by Senator Judy Ward. A companion bi-partisan sponsored bill, House Bill 1116, has been introduced. If approved, homeless and housing insecurity assistance services are eligible uses by certain categories of non-profits negatively affected by COVID-19.

I want to end with a reminder that eviction is a symptom of many things that are out of a tenant’s control such as low wages, an unexpected illness, or a loss of day care or transportation. Most landlords do not want to evict, and tenants do not want to be evicted. Thank you for your consideration of these recommendations for building eviction prevention systems in the Commonwealth of Pennsylvania.