



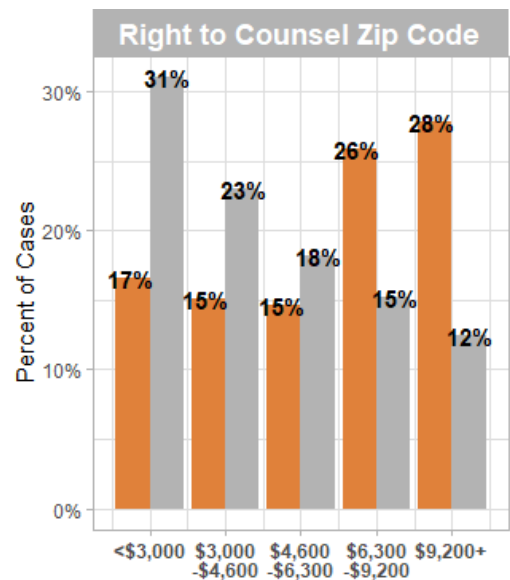
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Implementing Right to Counsel in Philadelphia: An Evaluation of the Program's 2022 Rollout

Prepared by **REINVESTMENT FUND**

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Evaluation Overview

This brief presents a preliminary evaluation of Philadelphia’s Right to Counsel (RTC) program, which launched in two zip codes (19121 and 19139) in February 2022. RTC provides an attorney, at no cost, to tenants facing eviction who earn up to twice the federal poverty income for their household size. Support for an RTC program in Philadelphia stemmed from a growing understanding among officials and other stakeholders of the negative consequences of eviction, the large number of city renters facing eviction each year and the overrepresentation of low-income and Black renters among them, the public cost of eviction, and the extraordinary imbalance in representation rates for tenants compared to landlords in eviction matters.

The key questions driving this analysis were:

- Did RTC move towards equalizing representation for tenants and landlords?
- Did RTC improve court outcomes for tenants?
- How can the results of the initial RTC rollout inform program expansion in Philadelphia and efforts by other cities to implement right to counsel programs?

To answer these questions, Reinvestment Fund (RF) conducted a mixed method study comprised of a quantitative analysis of court records and structured interviews with represented tenants and court system stakeholders. RF examined characteristics of *tenants*, their *cases*, and *court outcomes* within the RTC client base¹ and compared them with several other groups: unrepresented tenants in RTC zip codes, tenants in similar zip codes and citywide, and tenants facing eviction filings before the pandemic. It is worth noting that RTC got underway during a time of substantial change in resources and legal system procedures related to landlord-tenant matters, including a mandatory Eviction Diversion Program (EDP) and the wind-down of the federally funded Emergency Rental Assistance Program (ERAP).²

Key Findings

- The initial phase of RTC in Philadelphia was successful by several measures:
 - The share of all tenants facing an eviction filing who had legal representation reached 40% in RTC zip codes—more than twice the representation rate for tenants facing eviction in other zip codes—though still far below the representation rate for landlords.³
 - RTC zip codes had better court outcomes for tenants: lower rates of *default judgments* in favor of the landlord (15% compared to over 22% and 23%) and lower rates of alias writs served (22% compared to 29% and 27%), also known as *lockouts*, than comparison and other city zip codes. Lockouts are typically considered the most disruptive and costly outcome for tenants and may be associated with increased use of other city resources. RTC zip codes also had a higher case *withdrawal* rate (26% compared to 18% and 19%).

¹RF used attorney names to identify likely RTC cases in public court records. Concerns raised by legal service providers about attorney-client privilege precluded our use of a database containing identifying characteristics of RTC clients such as court docket number. As a result, information that is not captured in court records but is often recorded by the legal services providers at intake (such as race, income, the presence of children in the home, and issues such as habitability) could not be linked to court outcomes.

² RF is also conducting an analysis of EDP that addresses its intersection with RTC and ERAP.

³ Because of RTC income limits, it is likely that some share of unrepresented tenants would be ineligible for the program, although it is impossible to know with certainty what share.

- Tenant representation was associated with better tenant outcomes, regardless of resident zip code. Represented tenants in general were much less likely to be locked out (15% compared to 27%). This pattern held true regardless of whether a tenant had participated in eviction mediation or received rental assistance. Although it did not appear that the RTC program was achieving qualitatively better outcomes than other tenant representation programs (for example, the lockout rate differential was slightly higher for represented vs. unrepresented tenants in comparison zip codes), the higher rate of representation achieved in RTC zip codes may explain the improvement in tenant outcomes at the zip code level.
- RTC attorneys were more likely to represent tenants in cases with larger arrearage amounts, which can be more difficult to resolve.
- In interviews, tenants reported that they valued having someone who understood the legal process on their side, regardless of outcome. Some court stakeholders, including attorneys for landlords, noted that having both sides represented can make agreements proceed more smoothly.
- Issues that require some attention going forward include the longer case length associated with RTC cases; more than half of RTC cases lasted more than 75 days, compared with just 12% of cases with unrepresented tenants. This was flagged by some interviewees as unduly burdensome for landlords. Some stakeholders attributed longer case lengths to continuances sought and granted for RTC cases. One suggested solution was connecting attorneys to more clients before the first court date to reduce continuance requests. Other stakeholders observed that the longer length could reflect more complex issues for tenants who seek representation or efforts to obtain emergency rental assistance.
- System stakeholders generally thought the roll-out was smooth, if under-resourced. Suggested areas for improvement included: increasing the representation rate among eligible tenants through more in-person outreach in target zip codes and collecting tenant cell phone numbers during pre-filing diversion to use for outreach in the event of a filing; improving communications between tenant attorneys and unrepresented landlords; and continued education of court staff around RTC as distinct from the Lawyer of the Day (LOTD) program.
- The exploration of several research topics beyond the scope of this brief would provide a more comprehensive picture of the implementation and impact of the RTC program and could inform program design and expansion. We recommend analysis of the following topics and note that some would entail securing access to tenant hotline and case data:
 - The potential for increasing the tenant representation rate within RTC zip codes through study of the intake process to quantify the number of tenants not served due to ineligibility, legal services staff capacity, and other reasons.
 - The differences in case characteristics and outcomes for those that received full representation versus those that did not as a result of decisions made to provide full representation or some other form of representation or referral.
 - The terms of Judgments by Agreement (JBAs) in RTC cases to determine whether there was a higher rate of positive tenant outcomes within the context of a negotiated settlement for the landlord. In previous research, RF found that represented tenants with JBAs were more likely to secure reduced payment amounts or more time to stay in the unit while they sought new housing.
 - The drivers of longer case times and how to mitigate them.

- The reasons for the relatively low proportion of RTC cases involving breach of lease terms and relatively high proportion involving larger arrearage amounts.
- The interplay of the ERAP, EDP, and RTC programs.

Analysis Components

This evaluation begins with background information on the creation and implementation of RTC and how that influenced RF's research design, and is followed by the analysis of tenant, case, and outcome characteristics in the three zip code groupings, and concludes with the findings of structured interviews with court stakeholders and represented tenants.

Background: Philadelphia's Right to Counsel Program

In late 2019, Philadelphia City Council passed, and Mayor Jim Kenney approved, an addition to The Philadelphia Code entitled "Legal Representation in Landlord-Tenant Court," providing for "access to free legal representation to the City of Philadelphia's low-income residents facing eviction in Landlord-Tenant Court; under certain terms and conditions." An eligible person is defined as: "Any person who occupies a dwelling in the City of Philadelphia under a claim of legal right other than the owner, including any tenant in a building owned, operated, or managed by the Philadelphia Housing Authority, whose annual gross income is not in excess of 200% of the federal poverty guidelines." The bill directed the City's Managing Director to prioritize among potential beneficiaries if the need for representation exceeded the available resources.

The pandemic delayed implementation of RTC, as City officials focused on passing emergency housing legislation, getting ERAP up and running, and addressing unexpected revenue shortfalls associated with the pandemic. In November 2021, regulations implementing the bill specified that the Managing Director's Office should select at least two zip codes for implementation "based on need as indicated by eviction data from the most recent year for which such data is available." RF assisted the selection process by producing a ranking of all city zip codes by their eviction filing volume, eviction rates, and level of family poverty. The Managing Director used this ranking to identify zip codes 19139 (in West Philadelphia) and 19121 (in North Philadelphia) for the first year of program implementation. These zip codes represented areas with high eviction volumes as well as communities where, given the income eligibility requirements, the greatest concentration of eligible residents would be found. This assessment of need is updated each year.



For this analysis, RF used the same ranking to select a set of “comparison zip codes,” which were the next three highest ranked zip codes by volume, rate, and family poverty: 19144 (Germantown), 19124 (Juniata/Frankford), and 19131 (Carroll Park/Wynnefield). Throughout this brief we compare not only tenant and case characteristics and court outcomes between represented and unrepresented tenants, but also between RTC zip codes, comparison zip codes, and the remaining city zip codes. *See appendix* for the ten highest ranked zip codes.

Analysis of Municipal Court Records

RF analyzed Philadelphia Municipal Court filings covering the period February 1, 2022 to September 30, 2022, and outcomes for those case filings through February 8, 2023.⁴ RF used a list of attorney names provided by Community Legal Services (CLS) to differentiate tenant attorneys providing no-cost representation from attorneys in private practice.

⁴This allowed for a minimum of 132 days (4 months and 10 days) to elapse between filing and final docket entry (i.e., outcomes).

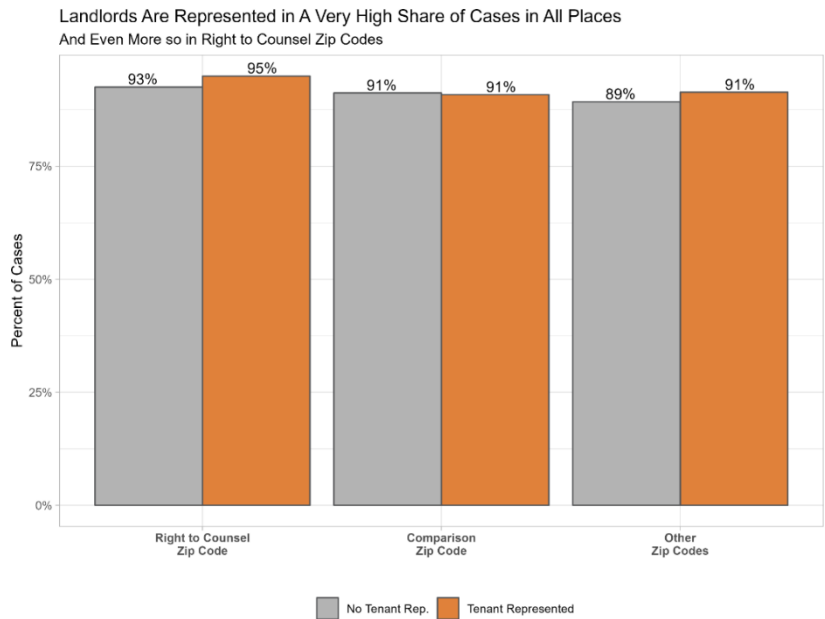
Legal Representation Rates for Tenants in Municipal Court

Between Feb 1 and September 30th, 2022, 347 tenants received legal representation through the RTC program in the 19121 and 19139 zip codes. This level of legal services enabled the City to make substantial progress toward equalizing legal representation across the parties in eviction matters; 40% of tenants in RTC zip codes were represented during the study period, compared to just 14.8% of tenants in three similar zip codes and 18.1% of tenants in other city zip codes. Private attorneys represented not more than 2.4% of tenants in any zip code grouping and represented the smallest share in RTC areas (1.2%). CLS represented the largest number of RTC tenants by far, followed by Legal Clinic for the Disabled and Senior Law Center. These three groups also represented the greatest number of tenants outside of RTC.

Tenant Representation Feb. - Sep. 2022 (by ZIP)						
Legal Representation	Count - RTC Zip	Share - RTC Zip	Count - Comp. Zip	Share - Comp. Zip	Count - Other Zip	Share - Other Zip
AIDS Law Project	1	0.1%	6	0.4%	31	0.5%
Community Legal Services	280	31.4%	142	8.4%	634	9.6%
Legal Clinic for the Disabled	39	4.4%	32	1.9%	196	3.0%
Senior Law Center	27	3.0%	34	2.0%	137	2.1%
VIP	0	0.0%	9	0.5%	42	0.6%
Legal Services Total	347	38.9%	223	13.2%	1,040	15.7%
Private Attorney	10	1.1%	27	1.6%	158	2.4%
Tenant Rep. Total	357	40.0%	250	14.8%	1,198	18.1%
Unrepresented	536	60.0%	1,441	85.2%	5,430	81.9%
Total	893	100.0%	1,691	100.0%	6,628	100.0%

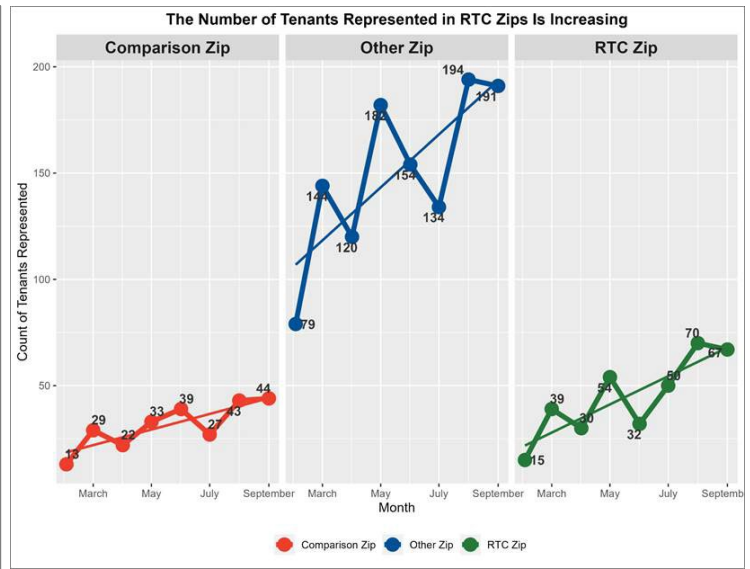
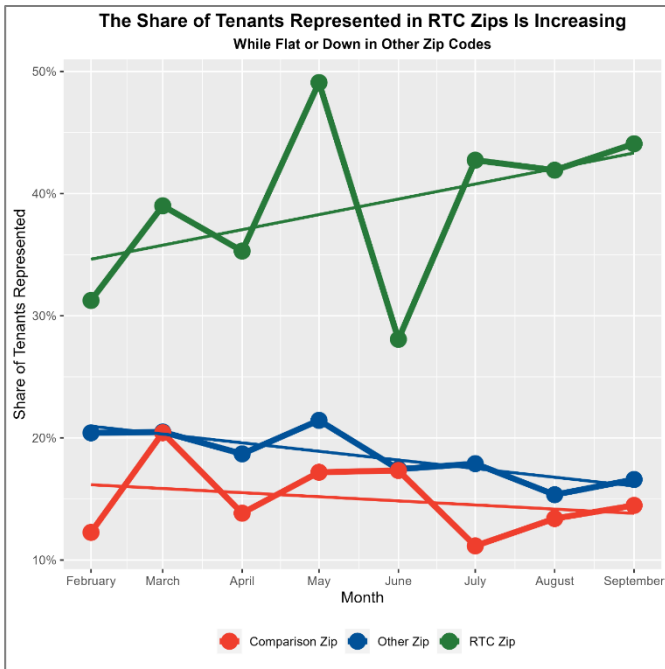
Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data

Despite the increase in tenant representation, the share of landlords with representation remained notably higher than that of tenants; it was 95% for RTC cases and 93% in unrepresented RTC zip code cases. Landlord representation was 91% in comparison zip codes regardless of tenant representation, and roughly 90% in other city zip codes. We note that the ability of RTC to address the remaining disparity may be limited by the program’s income restrictions, as well as by staffing constraints, but we are not able to estimate the size of either factor with the available data.



It is notable that monthly eviction filings were generally rising during this time period, from just 541 filings citywide in February to roughly three times that in August and September – the volume in these later months was close to pre-pandemic filing levels. The number of tenants with an attorney also rose during this time, both inside and outside the RTC zip codes. However, the tenant representation rate (i.e., the percent of tenants represented) was by far the highest and increased the most in RTC zip codes. The representation rate declined somewhat in other zip codes, although as noted previously, the number of tenants with attorneys was trending upward in all zip code groupings.

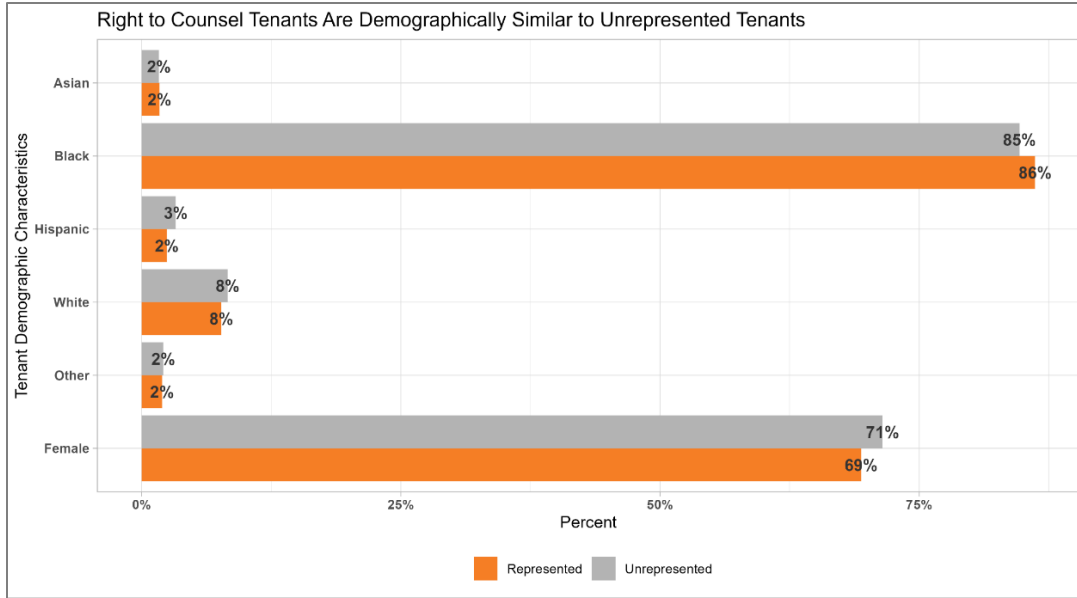
Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data (Feb.-Sep. 2022)



Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data (Feb.-Sep. 2022)

Tenant Characteristics

This evaluation sought to determine whether the tenants who received RTC services were appreciably similar to or different than other tenants facing eviction filings. To estimate the race, ethnicity and gender of tenants, RF applied the Bayesian Improved Surname Geocoding (BISG) methodology. This approach showed that the tenants who received RTC services were demographically similar to unrepresented tenants within the RTC zip codes. The vast majority of each tenant group was Black, at 85% and 86%, and female, at 71% and 69%. In each group of zip codes, 8% of tenants were White and 2% were Asian (see below). The racial and ethnic makeup of RTC tenants was similar to tenants who accessed legal services before RTC, though 65% of tenants with attorneys were female in 2019 compared to 69% in 2022 (see appendix).



Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data (Feb.-Sep. 2022)

Geographic Distribution

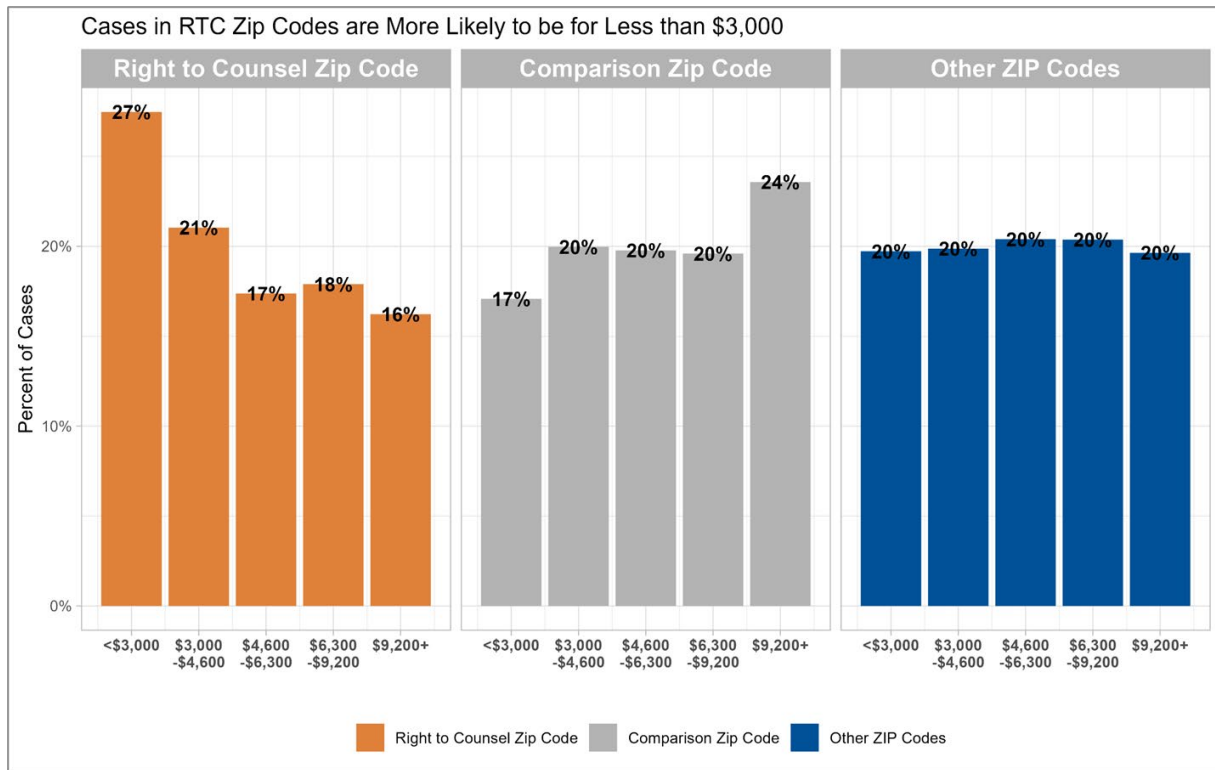
RF conducted a geographic analysis to assess the spatial distribution of RTC cases. Zip codes, because they are geographically large, frequently contain multiple types of residential markets and a variety of demographic groupings. This analysis, which compares the census tracts where tenants reside within each of the RTC zip codes, shows RTC residents more typically live in the component census tracts with a lower percentage of White residents. In 19121, tracts where RTC clients resided had essentially the same renter household income as the zip code as a whole, but slightly higher poverty. In 19139, RTC client tracts had a higher share of Black residents and similar incomes but slightly less poverty. (See maps of case distribution in appendix).

	Asian	Black	Hispanic	White	Renter Income	Poverty
19121	3%	72%	7%	15%	\$19,515	44%
19121 Client Tract Median	1%	73%	5%	11%	\$19,641	46%
19139	2%	82%	4%	7%	\$24,467	31%
19139 Client Tract Median	0%	88%	3%	2%	\$23,866	27%

Source: American Community Survey 5- Year Estimates, 2016-2020.

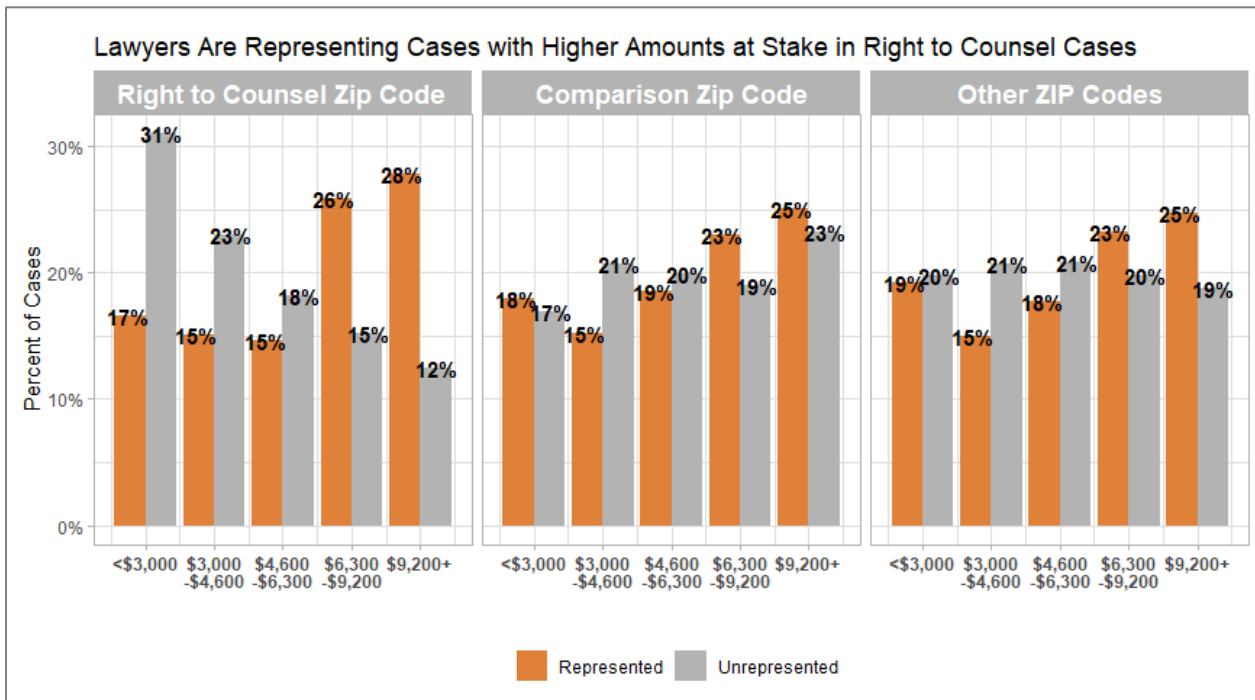
Arrearage Amounts

There was substantial variation in the distribution of arrearage amounts sought in court filings both by zip code group and by whether or not the tenant was represented. Tenants in RTC zip codes tended to be facing eviction over smaller amounts than in comparison zip codes and all other zip codes; RTC zip codes had the largest share of cases with arrearages of less than \$3,000 (27% compared to 17% in comparison zip codes and 20% in other zip codes) and the smallest share of cases with more than \$9,200 at stake (16% compared to 24% and 20%) and from \$6,300-\$9,200 at stake (18% compared to 20% and 20%).



Distribution of Eviction Cases by Amount Sought on Initial Filing. Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data (Feb.-Sep. 2022)

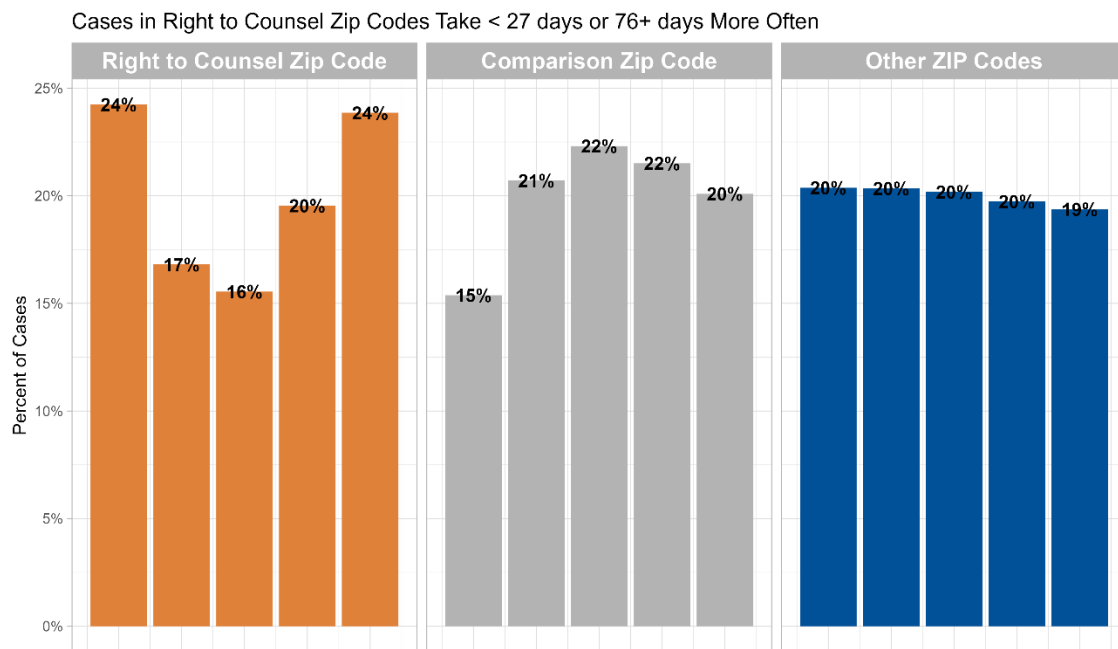
The distribution of arrearage amounts was quite different within each zip code grouping when comparing represented and unrepresented tenants. In general, a substantially higher share of represented tenants had larger amounts of money at stake than unrepresented tenants, regardless of zip code. Although there was a similar pattern in all zip code groupings, the pattern was most pronounced in the RTC zip codes. Specifically, RTC zip codes had the greatest shares of represented tenants owing large amounts (28% had more than \$9,200 at issue compared to 25% in comparison and all other zip codes, while 26% owed \$6,300-\$9,200 compared to 23% in comparison and all other zip codes), and the smallest share of represented tenants owing less than \$3,000 (17% compared to 18% and 19%). This was remarkable considering that, as noted above, RTC zip codes overall had the lowest share of claims over \$9,200 and from \$6,300-\$9,200 and the highest share of cases with less than \$3,000 in back rent.



Distribution of Eviction Cases by Amount Sought on Initial Filing and Representation Status. Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data (Feb.-Sep. 2022)

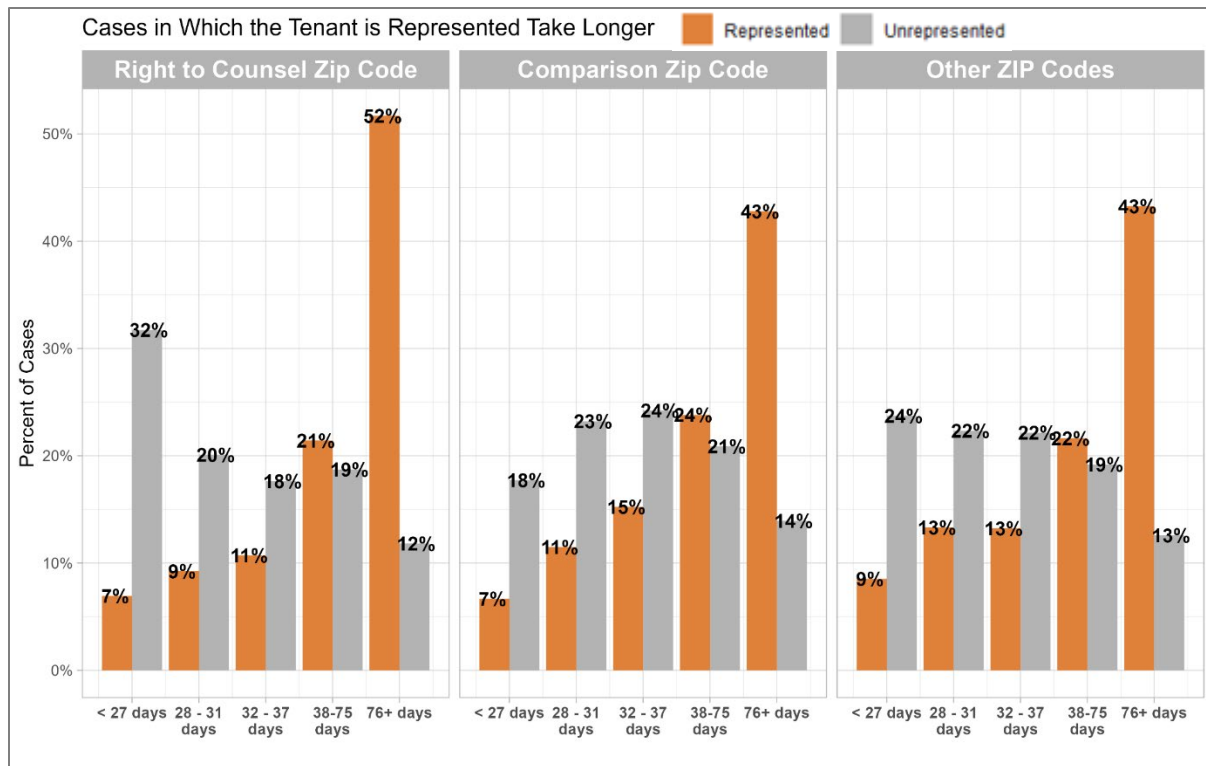
Court Process Times

The number of days from the initial court filing to the final docket entry varied by zip code grouping and by representation status. Cases that ended in default were excluded. RTC zip codes had the greatest shares of cases that ended quickly (in under 27 days) and cases that took more than 75 days to resolve. Almost a quarter of RTC zip code cases ended within 27 days in contrast to 15% in comparison zip codes and 20% in other zip codes. Another 24% took 76+ days compared to 20% and 19% elsewhere.



Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data, Excluding Defaults (Feb.-Sep. 2022)

As with arrearages, the patterns were quite different in each zip code grouping when comparing represented and unrepresented cases. In general, represented cases took longer to exit the process, but that was especially so in RTC zip codes. More than half of represented tenants in the RTC zip codes (52%) had cases last longer than 75 days compared to 12% of unrepresented cases in the same zip codes. In contrast, about a third of unrepresented cases in the RTC zip codes ended within 27 days, compared to just 7% of represented cases. Comparing cases in the RTC areas to those in comparison and other areas show that a substantially larger share (52% versus 43%) take 76+ days to conclude.



Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data (Feb.-Sep. 2022)

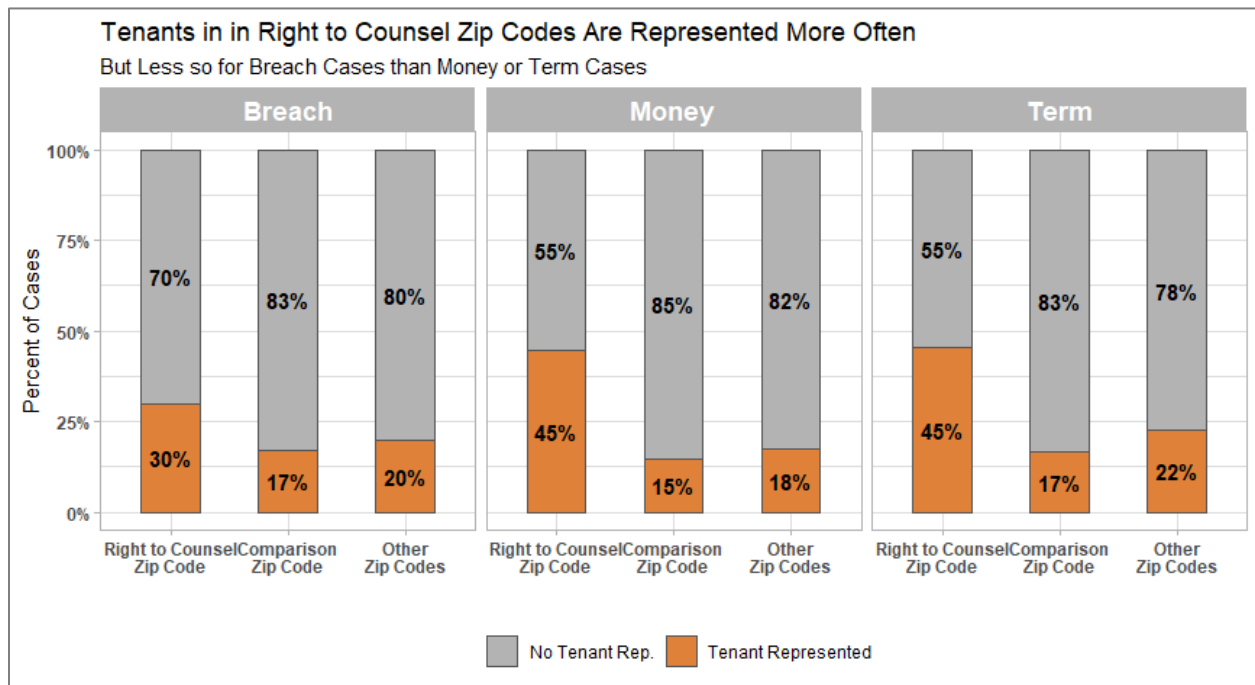
Reasons for Eviction Filing

Landlords can identify (on the official court docket entry) one or more of the following three reasons for an eviction filing: non-payment of rent (also known as “money cases”), end-of-term, and breach of the lease terms. Money alone, which has typically been the most common filing type, accounted for just under half of cases in RTC zips (48.5%) and more than half of cases in other zip codes (see below). All cases in which money was cited, alone or with one or more of the other issues, accounted for 82% of RTC zip code cases, 95% of comparison zip code cases and 90% of other zip code cases (see appendix). Term was most common in the other city zip codes. Claims of breach alone comprised a larger share of filings in RTC zip codes, at 13.1%, than in the comparison zip codes (2.0%) and other zip codes (4.2%). The pattern was similar for claims of breach in combination with other reasons (32% of RTC cases compared to 16% of comparison and 22% of other zip code cases). RTC zip codes also had the highest share of cases in which all three issues were alleged (11.6% compared to 7.2% and 9.7%).

Landlord Reasons for Eviction Filings							
ZIP Code	Money Only	Term Only	Breach Only	Money & Term	Money & Breach	Term & Breach	All 3 Claims
Right to Counsel Zip Code	48.5%	1.9%	13.1%	16.2%	5.8%	1.2%	11.6%
Comparison Zip Code	61.8%	1.1%	2.0%	20.0%	5.5%	0.9%	7.2%
Other Zip Codes	52.3%	3.3%	4.2%	21.2%	6.6%	1.4%	9.7%

Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data (Feb.-Sep. 2022).

Tenants in RTC zip codes were represented more often in all case types, but attorneys covered a greater proportion of money and term cases in the RTC zip codes (45%) than cases involving a breach (30%). From the available data RF could not determine why representation rates varied by reason and zip code.

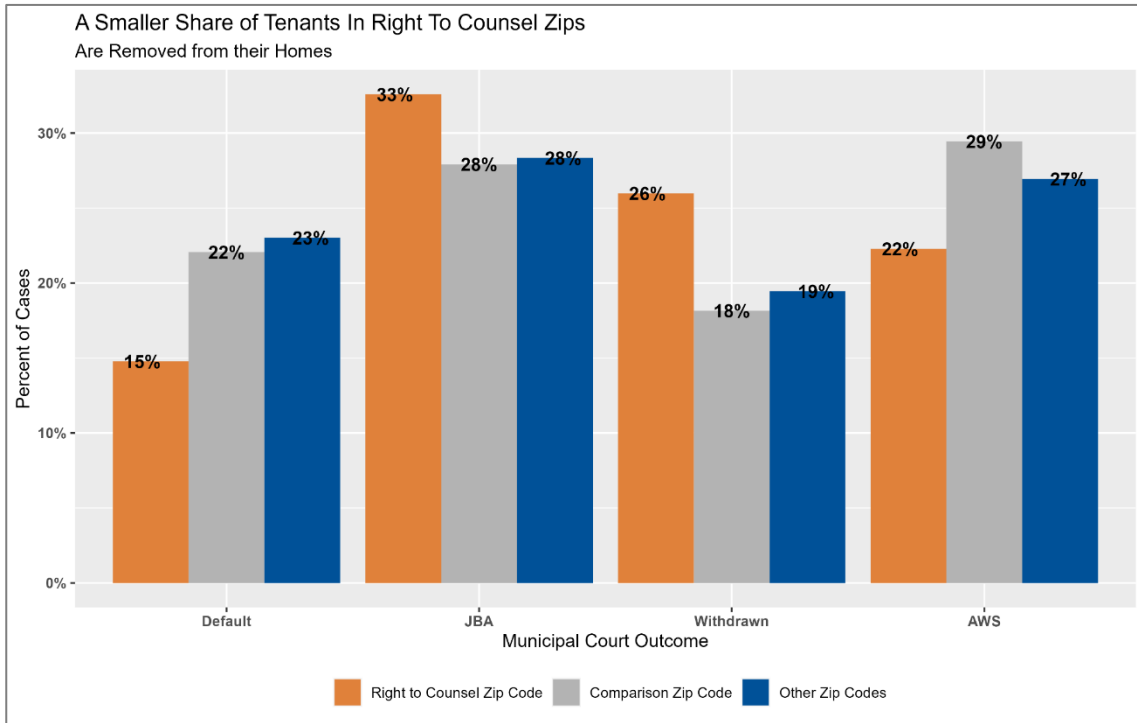


Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data (Feb.-Sep. 2022)

Court Outcomes

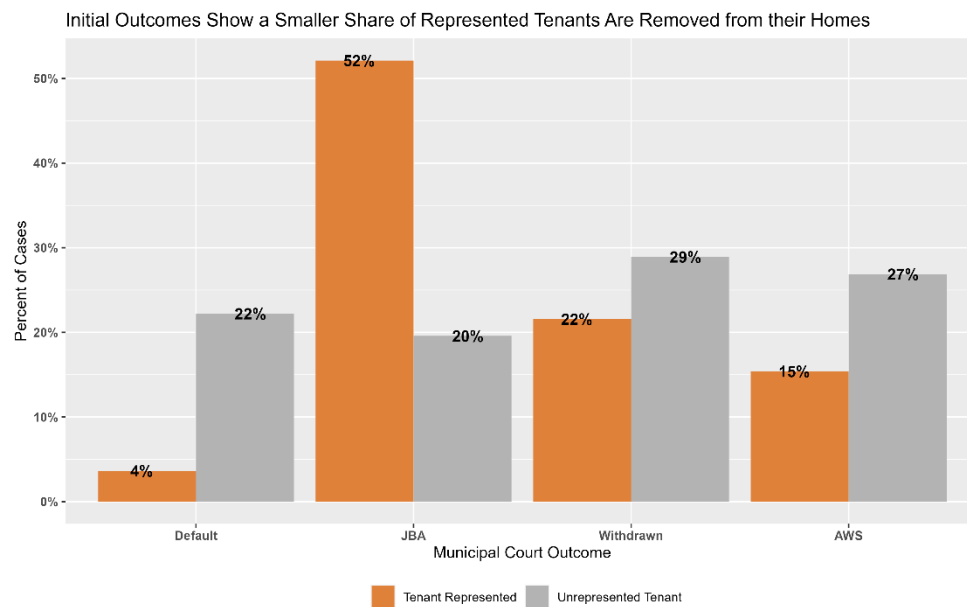
RTC zip codes had better court outcomes for tenants than comparison and other city zip codes. This included a lower rate of default judgments in favor of the landlord when the tenant does not appear in court (15% compared to over 22% and 23%) and lower rates of alias writs served (AWS), also known as lockouts (22% compared to 29% and 27%). Lockouts are generally seen as the most disruptive outcome for a tenant and can be the costliest because the tenant may have to pay for storage for their belongings while they seek new housing, and potentially more likely to need emergency housing services if they cannot quickly identify an alternative place to reside. RTC zip codes also had a higher case withdrawal

rate (26% compared to 18% and 19%). Case withdrawals are generally understood to be more favorable for the tenant because, unlike a JBA, there is no judgement filed against them in the official court record.



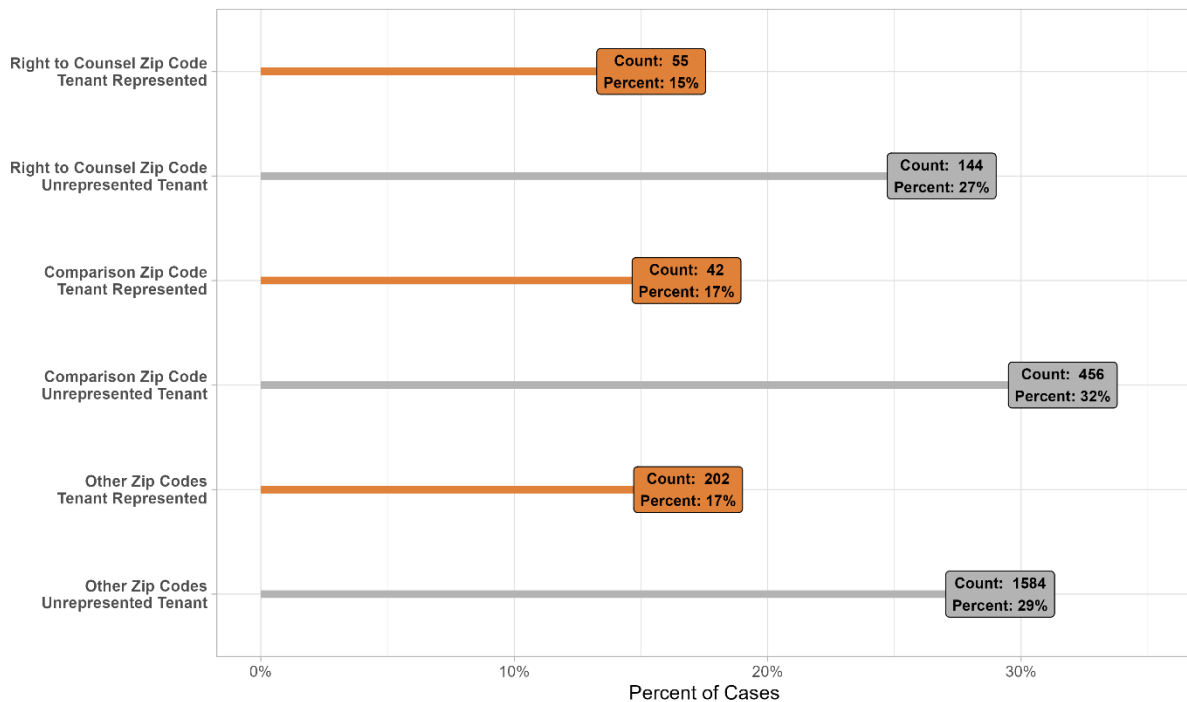
Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data (Feb.-Sep. 2022)

Tenant representation was associated with better tenant outcomes, regardless of zip code. Represented tenants were less likely to be locked out (15% compared to 27%), more likely to have a case withdrawn (22% compared to 29%) and much less likely to default (4% compared to 22%)—although the fact that many tenants first connect with their attorney at court would naturally limit defaults for this group.



A comparison of outcomes for represented and unrepresented tenants in the three zip code groupings did not indicate that the RTC program was achieving notably different outcomes than other tenant representation programs. For example, the lockout rate differential was slightly higher for represented vs. unrepresented tenants in comparison zip codes, although represented RTC tenants did have better outcomes than unrepresented tenants residing in the same zip codes. The higher rate of representation achieved in RTC zip codes may explain the improvement in tenant outcomes at the zip code level.

Alias Writs Served are Less Common in Represented Cases and Right to Counsel ZIP Codes



Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data (Feb.-Sep. 2022)

RTC zip codes and represented cases in general were associated a greater share of JBAs; these agreements are, by definition, a judgement for possession of the property in favor of the landlords, but their specifics vary widely. An analysis of the specific components of the agreements reached through JBAs was outside of the scope of this brief. RF’s previous research, released in 2020, found that represented tenants were more likely to reach favorable terms (such as reducing the amount owed or securing more time to look for new housing) in these negotiated agreements than unrepresented tenants.⁵

Overlap with Phase 4 Rental Assistance and Diversion

To better understand the impact of RTC, the program must be considered in context. RTC began just as applications for the City’s fourth and final phase of its Emergency Rental Assistance Program (ERAP) closed. However, ERAP payments sometimes took many months to reach their recipient, so some RTC

⁵ <https://www.reinvestment.com/insights/resolving-landlord-tenant-disputes-an-analysis-of-judgments-by-agreement-in-philadelphias-eviction-process/>

clients received ERAP funds shortly before or during the pendency of their case. The City’s Eviction Diversion Program (EDP) was also in operation at this time; legislation went into effect in January 2022 that required landlords to apply to EDP through an online portal and wait 30 days between applying and filing for eviction with the court.⁶ Despite the mandate, we could not identify corresponding diversion records for 24% of all cases in the RTC zip codes during the study period. It is also worth noting that the tenants who did appear in the EDP database took different paths; 44% had the opportunity to connect with pre-filing housing counseling resources and a volunteer mediator trained to help the parties reach an agreement before going to court, while 56% went through the “direct negotiation” path, which means that they could try to work out a resolution directly with their landlord during the 30 days prior to a filing (more details about these path differences are provided below). At the time of this publication, RF was developing a more thorough analysis of the overlap of these three programs. This brief describes just some of the extent to which RTC clients had contact with the other two programs.

Considering both additional resources available to tenants (ERAP and Diversion), represented tenants in RTC zip codes were somewhat more likely to receive only rental assistance (in addition to representation), but equally likely as unrepresented tenants to have touched only Diversion. However, almost one-in-four represented tenants both received ERAP and touched Diversion compared to approximately one-in-seven unrepresented tenants. Of all 357 represented tenants, 41.2% appeared only in the Municipal Court database, not having received the benefit of either program, compared to 49.6% of those without an attorney.

RTC Zip Codes	ERAP Only	Diversion Only	ERAP and Diversion	Court Only	Total Cases
# Represented Tenants	25	104	81	147	357
% of Represented Tenants	7.0%	29.1%	22.7%	41.2%	100.0%
# Unrepresented Tenants	27	165	78	266	536
% of Unrepresented Tenants	5.0%	30.8%	14.6%	49.6%	100%

Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data and Diversion Data provided by the City of Philadelphia Division of Housing and Community Development

The table below shows, for all tenants from RTC zip codes who appeared in the EDP database, which path they took before having an eviction filing against them. It is important to note that, in general, tenants were not represented by an attorney during the diversion phase of their case. More than half of all tenants facing eviction in the RTC zip codes, regardless of whether or not they were ultimately represented in court, had gone through the “direct negotiation” path. Similar shares of represented and unrepresented tenants had participated in mediation *and* reached an agreement prior to a court filing (just over 8%)⁷. Almost 10% of represented tenants had gone through mediation but did not reach an

⁶ The legislation required 45 days between application and filing while the ERAP applications were open and step down to 30 days once it closed; ERAP stopped accepting new applications just before the start of RTC.

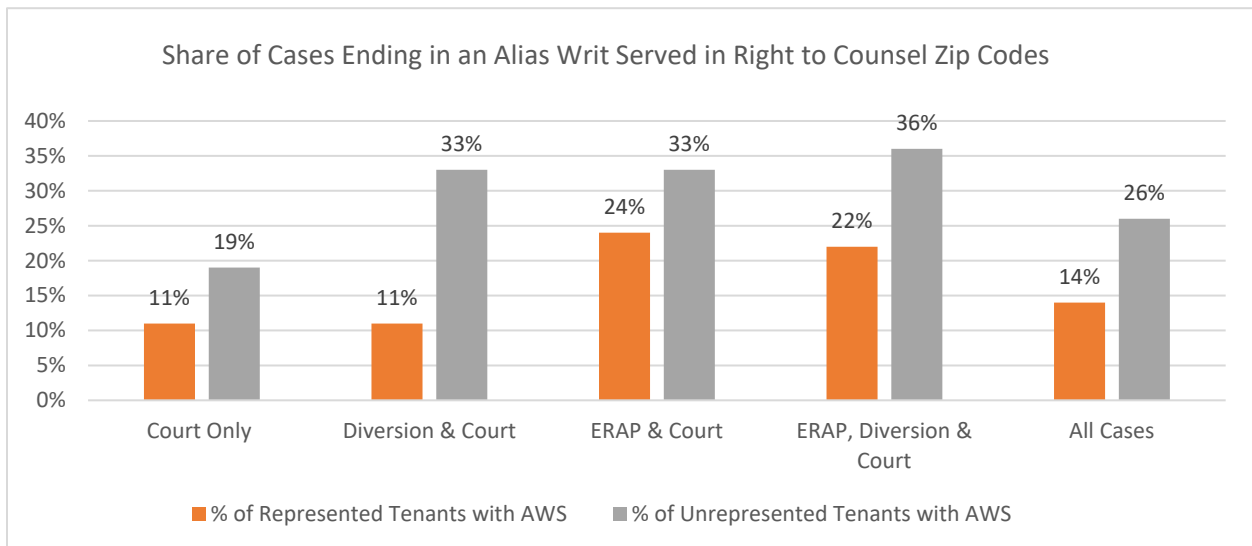
⁷ Analysis of the terms of diversion agreements was outside the scope of this brief; as with JBAs, agreement terms can vary widely.

agreement, compared to 4.5% of unrepresented tenants. Represented and unrepresented tenants were about equally as likely to have not participated in a scheduled mediation.

	Mediation – No Agreement	Mediation & Agreement	Tenant Did Not Participate	Direct Negotiation	Total Diversion Portal
Of 357 Represented Tenants	18	15	51	101	185
	9.7%	8.1%	27.6%	54.6%	100%
Of 536 Unrepresented Tenants	11	21	71	140	243
	4.5%	8.6%	29.2%	57.6%	100%

Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data and Diversion Data provided by the City of Philadelphia Division of Housing and Community Development

An analysis of court outcomes for represented and unrepresented tenants who had touched ERAP, EDP, both or neither showed that represented tenants were consistently less likely to experience an alias writ served (lockout), regardless of prior program contact. Represented tenants who had received rental assistance were actually more likely to have their case end in a lockout, as were unrepresented tenants who had touched one or both programs before their court filings. We were unable to analyze the cause of higher lockout rates for tenants who had received rental assistance or appeared in the EDP portal. The greatest difference in lockout rates for represented vs. unrepresented tenants was for tenants who had gone through the diversion system but had not received rental assistance (11% compared to 33%) and the least proportionate difference was for tenants who only appeared in the court database.



Source: Reinvestment Fund Analysis of Philadelphia Municipal Court Data and Diversion Data provided by the City of Philadelphia Division of Housing and Community Development

Stakeholder Interviews

In August 2022 Reinvestment Fund conducted structured interviews with eight stakeholders regarding their experience with the initial implementation of the RTC program. These stakeholders included court personnel, lawyers for tenants and attorneys, two landlords and hotline staff. Reinvestment Fund also interviewed ten tenants represented through RTC. Learnings from these stakeholder interviews are presented thematically, followed by themes from the tenant interviews.

Implementation

Perceptions of the RTC program varied based on each respondent's role within the legal process. Court personnel viewed implementation as smooth, if under-resourced, and spoke about the program as virtually indistinguishable from other representation programs like Lawyer of the Day (LOTD). Attorneys for landlords generally thought the program was running smoothly, and they also did not differentiate RTC from LOTD or other tenant representation. Tenant advocates and attorneys thought implementation was relatively smooth, but saw a need for increased outreach, including more in-person efforts, to connect with a greater number of eligible clients and increase tenant knowledge of and trust in the program.

One landlord who does not use legal representation was frustrated by what they described as a lack of clear guidelines on how RTC attorneys should communicate with a pro se landlord. The landlord said communication was important both in advance of a court hearing (in cases where the tenant's attorney actually connects with a client before court) and during any continuance period. The landlord also perceived that RTC resulted in more continuance requests overall. The same landlord reported a more positive opinion of the eviction diversion program, saying that in diversion the focus was problem solving and relationship repair, rather than "winning."

Most stakeholders said that rollout was slow but typical of a new program. Reasons cited for a slow ramp up included that: (a) hiring and training new staff takes time; and (b) tenants in the target zip codes may be wary of a service that sounds too good to be true. Several identified a need to build awareness of RTC through trusted networks. Stakeholders also said that changing the court culture takes time. There were reports that some court personnel, including some judges, did not appear to be fully aware of RTC and the need to inform and connect eligible tenants to legal services.

It was reported that most people who get connected to RTC through the hotline did not know about RTC when they called; a small number cited seeing a flier about RTC. Based on the experience and knowledge of different types of stakeholders, it appears that the courtroom navigator still plays a critical role in orienting tenants in court and connecting eligible tenants to legal help.

All interviewees perceived tenants represented through RTC to be essentially identical to other tenants who call the tenant hotline and/or are represented by legal services attorneys (e.g., cases represented through LOTD) in terms of both demographics and the substantive issues of their cases.

Impact

Despite calls for more outreach resources, interviewees said RTC was starting to succeed in letting more tenants know that there are free legal services available. Income-eligible tenants have called in from non-eligible zip codes asking for RTC and have been connected with other legal representation.

Stakeholders (i.e., not only tenant representatives) shared a belief that legal assistance for tenants evens the playing field or removes a disadvantage tenants face in eviction cases. Representation for tenants is viewed as increasing courtroom efficiency because court staff and judges less often have to

educate pro se clients on basic procedures, evidence rules, and so on. This might seem at odds with the longer case times for represented cases documented in this brief, but because judges see a small fraction of all cases it is possible that increased efficiency in hearings might not directly shorten the time between filing and final docket entry.

Two interviewees said they were not yet seeing a shift in courtroom culture that some tenant attorneys and advocates would like to see in terms of recognizing representation as a right. They cited the LOTD program as an example of something that changed court culture, but acknowledged it took a significant amount of time for that program to do so.

The limited nature of the pilot makes for a limited impact thus far; several interviewees raised programs like LOTD and diversion as having had a greater influence on recent changes in the eviction process, evidently because those programs are more universally available and have served a larger number of tenants. Diversion in particular was cited by multiple interviewees as doing what it was designed to do – keeping more tenants out of the court system altogether, which may in turn lessen the observable impact of RTC.

Interviewees were not able to provide substantive commentary on outcomes in or out of court.

Adjustments

Court personnel and attorneys were in agreement that the program needs to grow – that there are still income-eligible tenants who are unrepresented, and there are not enough resources to inform eligible tenants. There was a tension between wanting to reach more eligible tenants and already struggling with inadequate staffing.

Several interviewees brought up the issue of continuances and other delays. Some interviewees referenced a daily limit on the number of tenants that could be provided with RTC representation and reported that attorneys sometimes have had to ask for continuances just because they have reached this limit; it was asserted that having more RTC lawyers on hand in court would reduce such delays. One stakeholder suggested that efforts to connect clients with attorneys before the first court date could reduce continuances requested to gather basic facts about a case. so. Tenant attorneys suggested that automatic continuances to give attorneys and tenants time to meet, collect evidence, etc., before a court date would improve representation quality, but there was concern from court staff that a mandatory delay would be a violation of due process for the landlord.⁸

Several stakeholders cited the need to enhance outreach in the pilot zip codes – particularly through more in-person engagement efforts within the communities. There was a belief that while fliers are helpful, on the ground presence such as visiting local churches, community centers, and outreach clinics in the zip codes will be critical.⁹ Some suggested the entire process could be simplified and easier to

⁸ Philadelphia's Residential Mortgage Foreclosure Diversion Program, in the Court of Common Pleas, implemented an approach similar to an automatic continuance; a scheduled first conference was to establish if the homeowner would participate, then a second conference was automatically scheduled for approximately 30 days later.

⁹ CLS mails a letter to each tenant with an upcoming court date in the qualifying zip codes three weeks prior to their court date with information about the RTC program.

explain to tenants. There were reports that tenants hear different things from different agencies; there was also a request for a “graphic explainer” or simple infographic that could be shared by text message.

One stakeholder noted that there is currently no cell phone number field in the tenant contact section of the diversion portal form, while there is such a field for the property management representative. The stakeholder suggested that obtaining working cell phone numbers for tenants more consistently could help with outreach because texting can be more effective than mailings.

Some interviewees suggested that more judicial education on RTC would be helpful. It was reported that even with LOTD and a courtroom navigator, court staff may not connect every eligible unrepresented tenant with an attorney.

Tenant Interviews

Reinvestment Fund conducted structured interviews with ten tenants who were represented by an RTC attorney. For nine out of ten, it was their first time in Landlord-Tenant Court. The tenant with court experience had not had an attorney in the previous case. Another tenant considered their participation in pre-filing mediation as experience with Landlord-Tenant Court; that tenant had assistance from CLS during the diversion phase as well. Tenants found out about the program in a variety of ways. Those who found out before getting to court mentioned mailed notices, online searches, the tenant hotline, the City’s Department of Human Services, and word of mouth. Some tenants only became aware of the program once they arrived at court for a hearing. One tenant said they were not aware their lawyer was provided by the RTC program.

All of the tenants reported positive experiences with the program. All 10 tenants agreed that their attorney asked about the circumstances of their case, listened and understood the situation, told them what to expect in court, and treated them with respect. Nine of ten said the attorney explained different options and reported that they (the tenant) understood what was happening. The tenant who had faced an eviction filing before without representation described a substantial contrast; they did not feel “lost and alone” as they had before, felt more comfortable and less intimidated, felt they gained a sense of their rights, and credited the attorney with reducing the amount of money owed to the landlord.

Fewer tenants agreed that their landlord’s attorneys, judges, and court staff treated them with respect, although that may be a function of less exposure to these parties. Eight of ten agreed court staff treated them with respect while two neither agreed nor disagreed or they were not sure. Four agreed that their landlord’s attorney treated them with respect, one disagreed, and five said neither or not sure. Four agreed the judge did so, two tenants said they never saw a judge, and the remaining four said neither or not sure, although it was not clear from those interviews if all four had seen a judge.

A shared thread across all of the interviews was the value of having someone “on their side” who knows the law and could answer questions. For example, one tenant said the most helpful thing about RTC was “having someone else to advocate for you that understands the legal system.” Another said the attorney was “someone the landlord could not ignore.”

Eight of ten said they were satisfied with the outcome of their case, which ranged from getting an affordable payment plan, to getting extra time in the unit, to one dismissal because the attorney was able to find out that rental assistance was coming. Several tenants reported that their attorney reached certain terms of agreement that they would not have been able to negotiate on their own. One said

they had been in a dispute with their landlord for two years the lawyer was able to straighten it out in one month. The other two tenants noted that outcomes fell short of their ideal; one felt they were unfairly responsible for a roommate's unpaid rent and the other was frustrated that having a judgement on their record was making it difficult to secure a new home. Tenants were appreciative of the lawyers' responsiveness and the sense of trust they reported establishing.

The most common suggestion for improvement or adjustment from tenants was to raise awareness of the program; one suggested that representation be "automatic." Other suggestions included telling tenants to get all of their documentation in order and asking all necessary questions as early as possible.

Conclusion and Future Research

The initial roll out of RTC was successful by several measures, in particular on progress toward equalizing representation for tenants and landlords in Philadelphia eviction proceedings and reducing lockouts, which are considered to be the most disruptive outcome for tenants. Because the characteristics of represented and unrepresented tenants were similar, it is not likely that the observed outcomes were associated with any measured differences in the client base. Interviewed tenants were pleased with the legal services they received, and other stakeholders reported that the implementation was smooth, if under-resourced. Additional efforts to reach eligible tenants would likely increase representation rates.

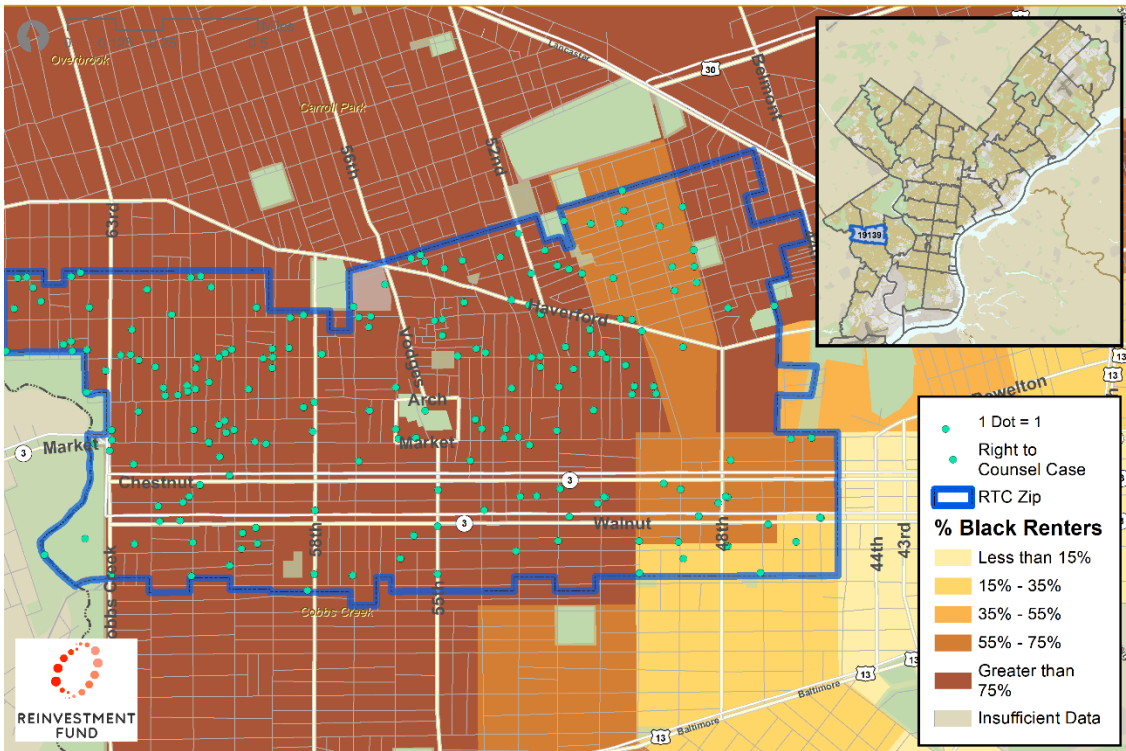
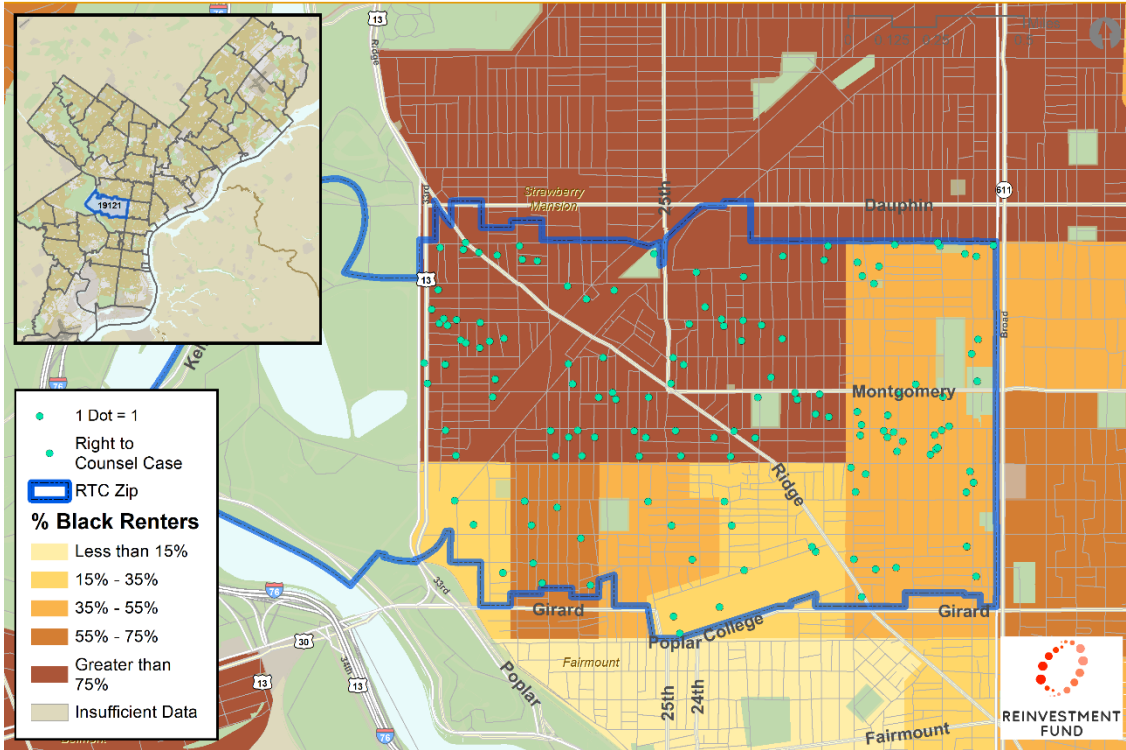
Other characteristics of the RTC roll out were more ambiguous, such as the longer case times for tenants with attorneys, higher share of cases resulting in a JBA, higher share of cases with larger sums of money at stake, and the lower share of breach cases. Further research on these topics could provide additional insight into qualitative differences in the representation process and outcomes for different case types (by arrearage and reason), the ability for programmatic changes to reduce case length, and inform the continued expansion of the program in Philadelphia and potential launch of similar RTC programs in other cities.

Specifically, we recommend collecting and analyzing data on tenants who seek legal services (e.g., income, zip code, insufficient legal staffing), the reasons why some ultimately do not receive services, and the nature of legal services (i.e., consultation vs. full representation). We also suggest additional study of the terms of JBAs in RTC cases compared to unrepresented cases, the drivers of case length including continuances, the process by which RTC attorney acquire cases with different characteristics, and the interplay of the ERAP, EDP, and RTC programs - and why tenants who had received rental assistance or gone through diversion were facing a higher lockout rate than tenants who only appeared in the court database.

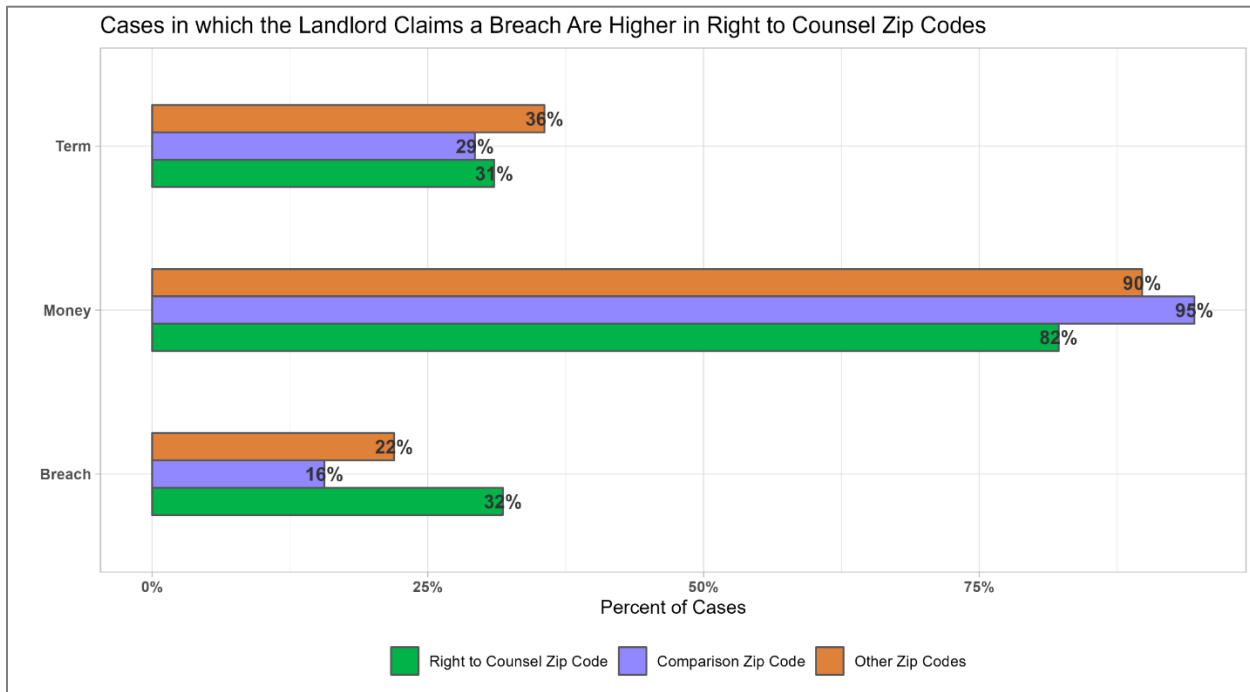
Appendix

ZCTA10	Count of Evictions, 2018-2019	Rank: Count of Evictions	Percent of Renters Facing Eviction	Rank: Percent of Renters Facing Eviction	Percent of Families in Poverty	Rank: Percent of Families in Poverty	Combined Rank
19121	1961	4	11.6%	3	38.0%	2	9
19139	2149	3	10.4%	7	30.9%	7	17
19144	2643	1	11.6%	2	24.0%	15	18
19124	1953	5	9.4%	11	32.3%	6	22
19131	1722	7	9.6%	9	26.0%	10	26
19120	1789	6	9.5%	10	25.9%	11	27
19134	1675	8	8.7%	16	34.7%	4	28
19142	1054	15	11.2%	4	27.4%	9	28
19141	1283	11	10.7%	6	25.3%	12	29
19132	1260	12	8.7%	17	33.2%	5	34

This table shows the ten Philadelphia Zip Codes with the highest combined rank (lowest score) created from the individual rankings of eviction filing volume, eviction filing rate, and family Poverty. Reinvestment Fund produced this ranking in December 2021 using municipal court data and the 2015-2019 American Community Survey from the U. S. Census (ACS). We note that ACS data are not available for postal zip codes; in fact, the Census creates a “generalization” of zip codes in what they term Zip Code Tabulation Areas (ZCTA). Because ACS data were needed for this analysis, although we reference zip codes, in fact the data are for ZCTAs. For a more fulsome explanation of the comparison of zip codes and ZCTA, see: <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/zctas.html>.



These maps show the approximate residential location of represented tenants within each RTC zip code. The base maps show the percentage of renter households who identified as Black in each census tract, from the U. S. Census 2016-2020 ACS. The represented tenants are more concentrated in tracts with higher shares of Black renters.



Reinvestment Fund's analysis of Municipal Court data shows that all cases in which money was cited, alone or with one or more of the other issues, accounted for 82% of cases in RTC zip codes, 95% in comparison zip codes and 90% in other zip codes.