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Eviction Diversion in Philadelphia: Evaluation of Efforts to Reduce Eviction Filings in Two Program Phases November 2023

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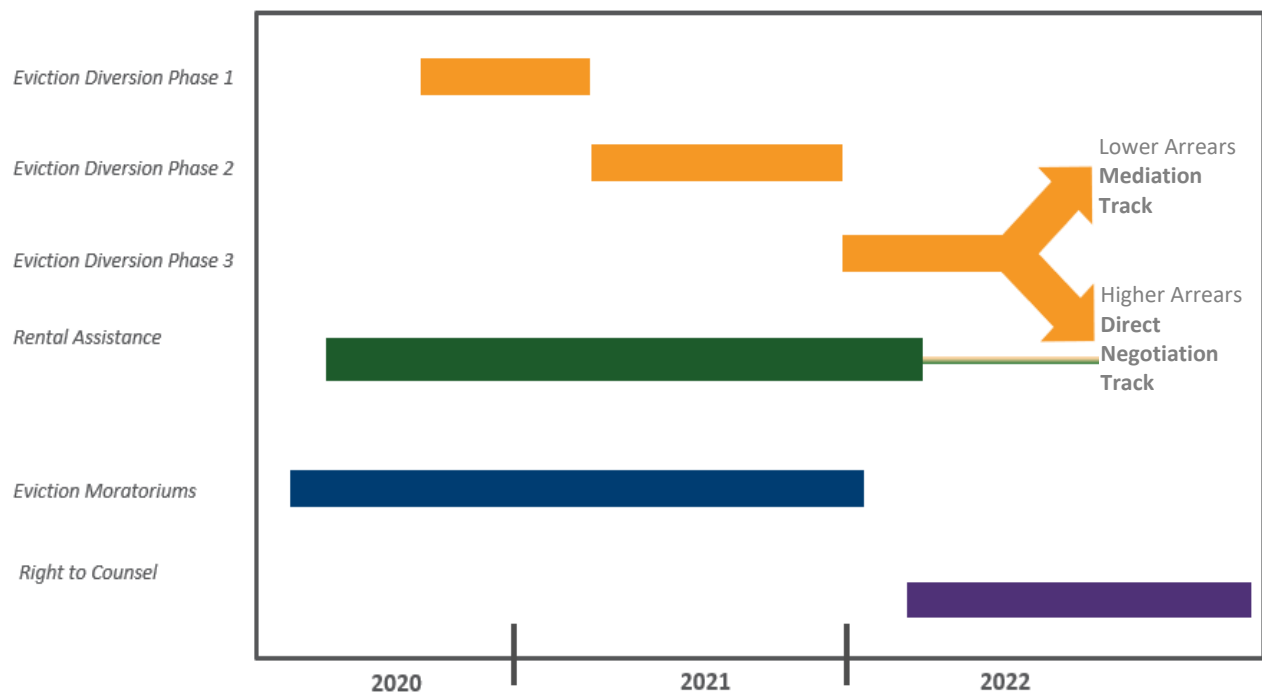
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Introduction

This brief presents an evaluation of the pre-filing Eviction Diversion Program (EDP) in Philadelphia during two discreet phases. The purpose of EDP is to prevent and reduce eviction filings in Philadelphia Municipal Court in light of research showing that the fact of a filing, regardless of the final court outcome, can negatively affect a household’s future housing stability and ability to obtain housing.¹ Resolving landlord-tenant matters without a court filing was also seen as a potential way to lower costs for property owners, tenants, and the City. Since the first phase of EDP launched in September 2020 there have been continual changes to the court process and tenant resources—some quite dramatic—as the pandemic unfolded and new programs began. The national moratorium issued by the Centers for Disease Control and Prevention on certain evictions and a more extensive local moratorium dramatically reduced the number of court filings. The City of Philadelphia distributed \$300 million in rental assistance. The Right to Counsel program provided no-cost legal representation to low-income residents in certain zip codes. And EDP itself underwent substantial revision as a result of changing legislation, funding levels, and practical considerations confronted in implementation. These ongoing, multifaceted changes, designed to address challenges to rental housing stability in the midst of an unprecedented public health crisis, present a challenge to any effort to isolate and measure the impact of any one program—or program phase. In this brief, we focus on EDP cases that entered the system during two time periods: from April 2021 through December 2021 (“Phase 2”), when landlords were mandated to apply for EDP and rental assistance before filing for eviction; and from March 2022 to September 2022 (“Phase 3”), after the closure of rental assistance applications and after implementation partners created two tracks for cases based generally on the amount of money sought by the landlord in the filing. See Figure 1.

Figure 1: Simplified Timeline of Overlapping Interventions



¹ “Prejudged: The Stigma of Eviction Records,” Lawyers Committee for Better Housing and Housing Action Illinois, <https://lcbh.org/reports/prejudged> (March 2018).

Background

In June 2020, Philadelphia City Council passed the Emergency Housing Protection Act (EHPA), a package of bills amending the landlord and tenant chapter of the city code to “ensure residents are able to remain in their homes, and small businesses are able to stay in business.”² This legislation had three main elements: it authorized the creation of Philadelphia’s EDP “to connect renters and landlords to counseling, resources and mediation in an effort to avoid evictions, provide funds for landlords, and keep people housed.”³ It also mandated the waiver of certain fees imposed on tenants (e.g., late fees) and provided for repayment plans allowing tenants to repay their rent arrears over the course of at least nine months.

The first iteration of EDP under this legislation launched on September 1, 2020 and lasted until March 2021 (“Phase 1”). The program was implemented by Mayor Kenny’s administration (by entities including the Division of Housing and Community Development, the Philadelphia Housing Development Corporation, the Fair Housing Commission, and the Law Department) in collaboration with nonprofit legal services, landlord associations, the tenants’ rights group TURN, trained volunteer mediators, and multiple city entities, Philadelphia Municipal Court.

This phase required EDP enrollment before a landlord could file an eviction complaint. EDP offered mediation sessions where a trained volunteer mediator facilitated a conversation between the landlord and tenant to help them reach an agreement, if possible. Tenants had the option of meeting with a housing counselor before the mediation session and throughout the process.

The program was amended on April 1, 2021 (“Phase 2”) to mandate that any landlord filing an eviction based on non-payment of rent first complete an application to the PHL Rent Assist program (federally funded pandemic aid), and then wait 45 days to file.⁴ The amendment also specified that landlords be automatically enrolled in EDP upon completion of the rental assistance application. A landlord’s lack of participation in EDP was made “a dispositive affirmative defense”⁵ for tenants.

On January 1, 2022, EDP entered its third iteration (“Phase 3”). New legislation extended the life of the program and added details stating that as long as the program is running, and rental assistance funds are available, landlords cannot evict a tenant for non-payment of rent unless they have enrolled and participated in EDP in good faith for 45 days. When financial rental assistance through rental assistance is not available, the legislation requires landlords to apply to the program and wait 30 days between enrollment and filing for eviction with the court. In the fall of 2022, City Council extended this law through June 30th, 2024.

EDP has continued to evolve. First, the closure of rental assistance applications at the end of January 2022 triggered a shift from a 45-day waiting requirement for landlords to 30 days. Second, faced with a large and increasing number of filings and limited capacity to provide housing counseling and mediation on a timely basis, program partners developed a two-track approach. Cases with lower rent arrears are assigned to what is called the “mediation track,” which represents a continuation of the previous EDP model of housing counseling and mediation, while cases where more money is at stake go through what is being called “direct negotiation.” Landlords on the second path still have to wait 30 days to file in court, and they may work together informally with tenants to arrive at a solution to avoid court, but no

² Wasserkrug, S., 2022. *The History and Current Status of Philadelphia’s Eviction Diversion Program* | *The Legal Intelligencer*. [online] The Legal Intelligencer. Available at: <<https://www.law.com/thelegalintelligencer/2022/04/15/the-history-and-current-status-of-philadelphias-eviction-diversion-program/?slreturn=20220614161516>> [Accessed 15 July 2022].

³ PhlCouncil.com. 2022. [online] Available at: <<https://phlcouncil.com/wp-content/uploads/2021/06/CM-Gym-Eviction-Diversion-Honorary-Resolution.pdf>> [Accessed 15 July 2022].

⁴ <https://www.courts.phila.gov/pdf/regs/2021/15-of-2021-PJ-ORDER.pdf>

⁵ http://www.phillytenant.org/wp-content/uploads/2017/01/Bill_No_21092001.pdf

third-party resources are provided. More recently, in January 2023, EDP launched its Targeted Financial Assistance program (TFA) which offers payment to landlords whose tenants owe less than \$3,000 in arrears. If landlords indicate interest in TFA and there are no other issues to resolve, they are placed on the TFA pathway. If there are additional issues, they are placed on the dual pathway of mediation and TFA, in which a mediation agreement must be reached before funds are disbursed.

To initiate the EDP process, landlords must submit their rental license and property information via a web-based form (“the portal”).⁶ The nonprofit organization CORA Good Shepherd Mediation⁷ reviews each application and, once approved, sends automated notices to the landlord and tenant. CORA also serves as the landlord liaison, while Philadelphia Legal Assistance (PLA), a local nonprofit, serves as the point of contact for the tenant. PLA helps connect tenants in the mediation track with a housing counselor, a mandatory step before CORA will schedule a mediation.

To evaluate EDP during the two phases we analyzed data recorded in the EDP portal and from Municipal Court eviction filings. The core research question driving this analysis was whether eviction diversion activities reduced or prevented filings in Municipal Court. To answer this question, we compared court filing rates within six months⁸ of EDP enrollment for cases that did and not participate in EDP mediation, and cases that did and did not reach a pre-filing agreement. For the Phase 2 cohort we also compared outcomes for tenants who did and did not receive rental assistance and for the Phase 3 cohort we also compared outcomes for cases with up to and more than \$3,000⁹ at stake.

Key Findings

- EDP enrollments and eviction filing rates both increased from Phase 2 to Phase 3, likely due in part to limits on court filings still in place during Phase 2 and various pandemic-era resources. As volume grew, the share of cases receiving mediation and reaching an agreement dropped.
 - In Phase 2, 23.2% of cases completed a mediation and 21.0% achieved a pre-filing agreement. These numbers declined in Phase 3 to 7% and 5.6%, respectively.
 - The overall eviction filing rate within six months was 34.7% in Phase 2 and 55.6% in Phase 3.
- Although there were many differences between the circumstances surrounding EDP cases in Phase 2 and Phase 3 and in their outcomes, in both phases recording an agreement was

⁶ The portal interface is hosted on the City of Philadelphia’s website: <https://eviction-diversion.phila.gov/#/LandlordApplication>.

⁷ CORA Good Shepherd Mediation is a Philadelphia non-profit that helps parties resolve their disputes through mediation and other types of facilitated dialogue processes. <https://www.phillymediators.org/about-cora-gsm/>.

⁸ The rental assistance program prohibited filing for eviction for a period after payment. Six months was selected to allow for this period to pass. This also allowed for evaluation of an identical post-enrollment exposure period for the more recent Phase 3 cases.

⁹ The track system was not formalized in legislation and the data did not include a consistent marker of track, and the cutoff amount for mediation changed over time, so we divided Phase 3 cases into two groups based on the reported arrears to approximate the mediation and direct negotiation tracks. Stakeholders noted that the arrears cutoff amount changed over time and, in practice, some cases with higher arrears went to mediation if there was interest and a mediator available; 1% of cases with \$3,000+ in arrears had a mediation during the study period. We excluded cases with no arrears amount listed (6% of cases) from the analysis.

associated with notably lower eviction filing rates than cases in which no agreement was achieved.

- Just over a third of Phase 2 cases had a court filing within 6 months (34.7%). The filing rate was 21.3% for cases with a mediation and 13.3% for cases with an agreement (however that agreement was achieved).
- The filing rate was 55.6% for all Phase 3 cases, 50.8% for cases with a mediation, and 42.7% for cases with an agreement (however that agreement was achieved).
- Cases were much more likely to record an agreement if there was at least one mediation session and, as previously noted, cases with agreements generally had lower filing rates.
 - In Phase 2, 56.4% of mediation cases resulted in agreements.
 - In Phase 3, the share of all cases with a completed mediation that subsequently reached an agreement increased to 69.4%.
- In both Phases, cases that reached agreements without mediation had slightly lower filing rates than post-mediation agreement cases.
 - In Phase 2, 12.4% of cases without a mediation that achieved an agreement had a subsequent eviction filing compared to 13.9% of cases with mediation and an agreement.
 - In Phase 3, 38.5% of cases without mediation that achieved an agreement had a subsequent eviction filing compared to 43.3% of cases with mediation and an agreement.
 - Reaching an agreement without mediation was a relatively rare event, occurring in 10.3% of cases without mediation in Phase 2 and in less than 1% of cases without mediation in Phase 3.
- In a small subset of cases, a tenant completed housing counseling but did not have a mediation session (13.9% of cases in Phase 2 and in only 2.0% of cases in Phase 3).
 - The filing rate for these two groups of cases was similar to the overall filing rate in Phase 2 (32.1%) and about ten percentage points lower than the overall filing rate in Phase 3 (45.1%).
- Receipt of rental assistance in Phase 2 and the amount of back rent in Phase 3 appeared to be important factors in whether an EDP case experienced a subsequent eviction filing, regardless of participation in mediation or reaching an agreement.
 - In Phase 2 the filing rate was just 7.4% for the group that received rental assistance compared to 42.2% for the group that did not.
 - The group of cases in Phase 2 with the lowest eviction filing rate were cases that achieved an agreement and received rental assistance: 4.2% of cases with rental assistance and mediation that led to the agreement (5 of 119 cases) and 1.8% of cases with rental assistance but the agreement was achieved without mediation (2 of 110 cases).
 - In Phase 3 the filing rate was 51.1% for cases with arrears up to \$3,000 and 59.7% for cases that owed more.

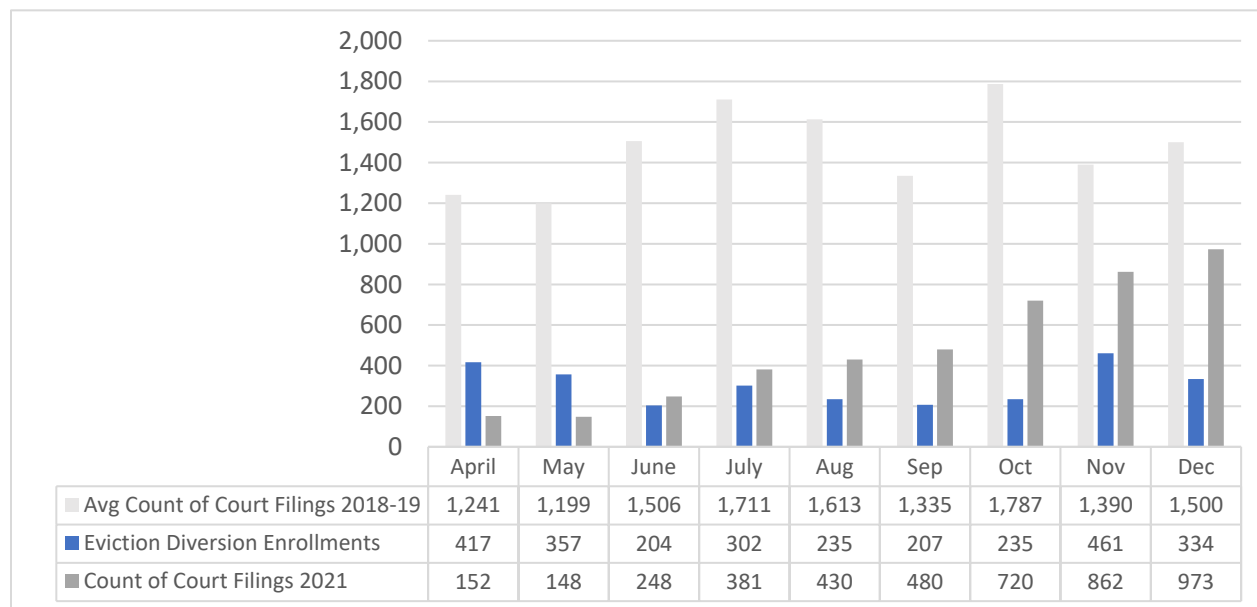
- The groups of cases in Phase 3 with the lowest eviction filing rate were those cases that achieved an agreement and had arrearages under \$3,000: 42.3% if mediation led to an agreement (169 of 400 cases) and 34.1% if there was an agreement achieved without mediation (15 of 44 cases).
- Scaling up EDP proved challenging given the time constraints, the multiple caseload priorities facing housing counseling agencies (e.g., first-time homebuyer counseling, foreclosure diversion), and the reliance on volunteer mediators.
 - While the average number of mediations per month grew from Phase 2 to Phase 3, the share of cases with a mediation fell as enrollment volume quadrupled (23.2% of cases in Phase 2 and 7% in Phase 3) and the mandatory period before a court filing was shortened from 45 to 30 days. In Phase 3 there were on average close to 600 enrollments a month with arrears less than \$3,000 and only about 100 mediations scheduled.¹⁰

¹⁰ At times, the mediation track was limited to cases with arrears under \$2,500. On average, about 130 cases each month had arrears amounts between \$2,500 and \$3,000.

Phase 2: EDP Enrollment April 2021-December 2021

We analyzed 2,752 cases that enrolled in EDP during Phase 2. EDP enrollment fluctuated during this period, while eviction court filings grew steadily but remained far below pre-pandemic volume (shown in Table 1 as "Average Count of Court Filings 2018-2019"). In April and May, there were more EDP enrollments than court filings, but in June filings started to outpace EDP enrollments.

Table 1: Monthly Volume of Phase 2 Diversion Enrollments, Pre-Pandemic Court Filings, and 2021 Court Filings



Almost a quarter of the Phase 2 cases completed a mediation (23.2%) and 21.0% of cases reached an agreement. Just over a fifth received rental assistance (See Table 2). Over half of mediations resulted in agreements, compared to only 10.3% of cases that that did not complete a mediation. (See Table 3).

Table 2: Eviction Diversion Volume and Participation, Phase 2

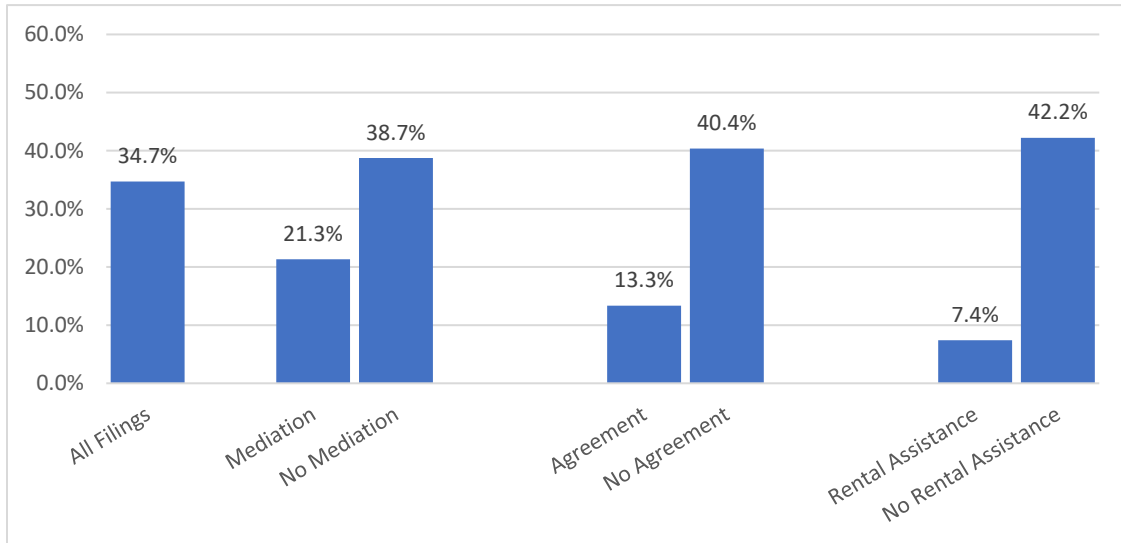
	Count	Percent
All EDP Cases	2,752	100.0%
Mediation	638	23.2%
No Mediation	2,114	76.8%
Agreement	577	21.0%
No Agreement	2,175	79.0%
Rental Assistance	594	21.6%
No Rental Assistance	2,158	78.4%

Table 3: Mediation and Agreement Status, Phase 2

		Count	Percent
Mediation	Agreement	360	56.4%
Mediation	No Agreement	278	43.6%
No Mediation	Agreement	217	10.3%
No Mediation	No Agreement	1,897	89.7%

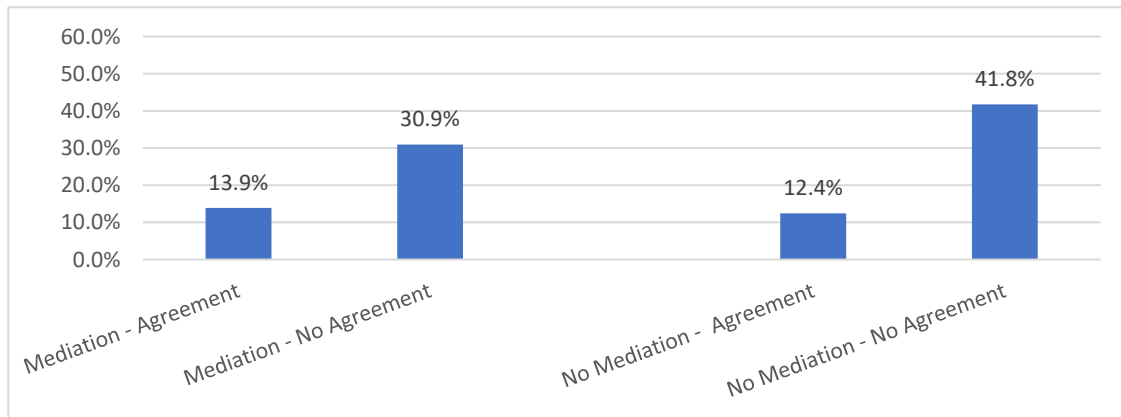
Just over a third (34.7%) of Phase 2 cases had a court filing within six months of EDP enrollment. The filing rate was lower for cases with a mediation than for those without (21.3% compared to 38.7%). There was a larger difference between cases that did and did not record an agreement (13.3% and 40.4% respectively). The biggest differential was observed between cases that did and did not receive rental assistance, at 7.4% compared to 42.2%. (See Figure 2).

Figure 2: Municipal Court Filing Rates, Phase 2



Of cases that completed mediation and achieved an agreement, 13.9% ended with an eviction filing. And of those that had mediation, but no agreement achieved, the filing rate was more than double (30.9%). For those cases with an agreement reached between the parties without a mediation, there was a slightly lower filing rate (12.4%) compared to those cases with agreements and mediation. And if there was no mediation and no agreement, more than 4-in-10 tenants ended with a filing. (See Figure 3).

Figure 3: Filing Rates by Mediation and Agreement Status, Phase 2



Although this brief does not include an in-depth analysis of housing counseling as a separate intervention, we did calculate the share of cases that completed housing counseling but did not complete mediation, which was a relatively small group in Phase 2(13.9%). The filing rate for these cases was slightly below the overall filing rate (32.1%).

Table 4: Cases with Counseling and No Mediation

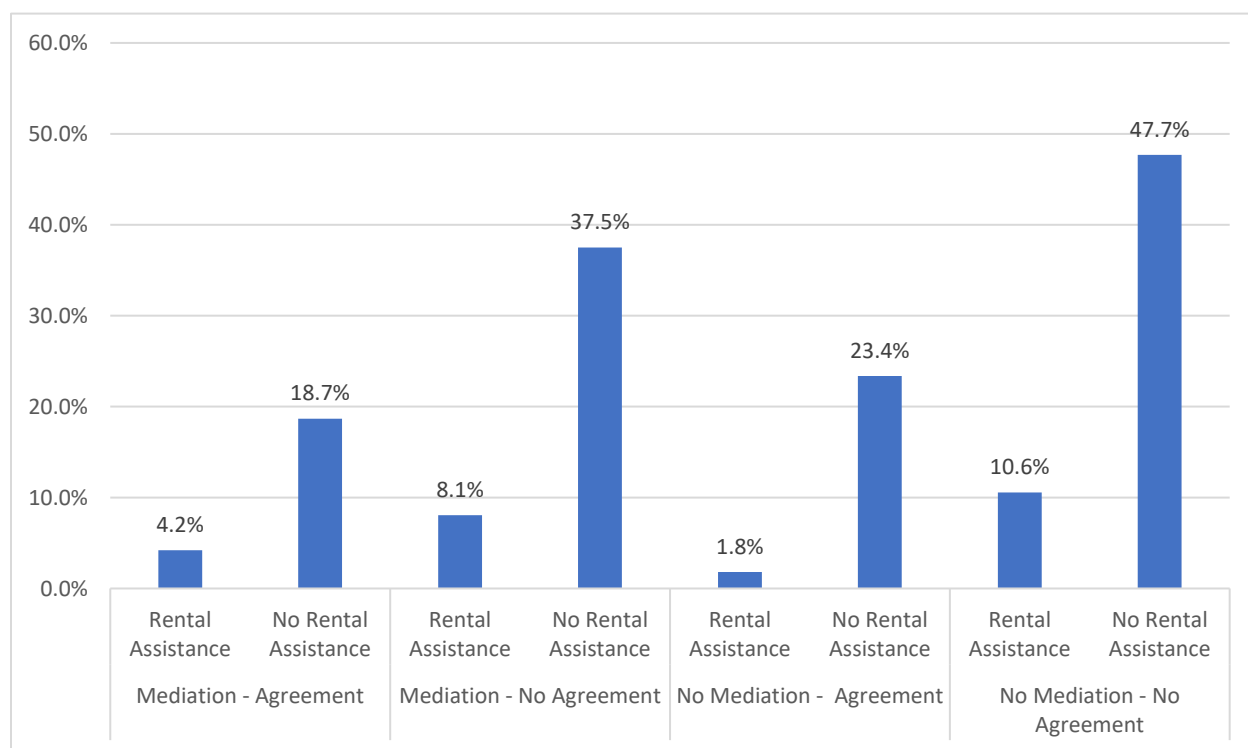
	Cases	Share of Cases	Court Filings	Filing Rate
Completed Counseling, No Mediation	383	13.9%	123	32.1%

Exploring the Role of Rental Assistance

Phase 2 was designed to encourage the use of federal emergency rental assistance and, in so doing, enhance the effectiveness of the core EDP services (counseling and mediation) in preventing eviction filings. For a variety of reasons that are beyond the scope of this report, not all applicants for rental assistance received financial assistance.¹¹ In order to evaluate the effect of rental assistance coupled with EDP as distinct from the core diversion services alone, we compared eviction filing rates for groups differentiated by participation in mediation, achieving an agreement, and receipt of rental assistance. Receipt of rental assistance is defined as cases in which the assistance payment occurred between EDP enrollment and a court filing date, or within six months of EDP enrollment for cases with no court filing.

Cases that received rental assistance have notably lower filing rates across the board whether they had a mediation, an agreement, both, or neither – but cases that reached agreements had the lowest rates at 4.2% for cases that also had mediation and 1.8% for those recording an agreement without a mediation. In contrast, cases that benefitted from none of these three program elements had the highest filing rates observed during Phase 2, at 47.7%. When we compare these rates, we conclude that all interventions made a positive difference in the eviction filing experience of tenants in Philadelphia.

Figure 4: Filing Rates by Diversion Pathway Phase 2, by Received and did not Receive Rental Assistance



Recognizing that household economics are a driver of evictions, we also sought to assess whether participating in mediation (or not), achieving an agreement (or not) and receipt of rental assistance (or

¹¹ This brief examining rental assistance program design from the Housing Initiative at Penn describes some of the limitations on tenant aid:

https://www.housinginitiative.org/uploads/1/3/2/9/132946414/hip_summer_2020_webinar_handout_updated.pdf

not) impacted not just whether a tenant ultimately faced a filing, but how much time elapsed between enrollment in EDP and a filing (for those cases that were ultimately subject of a filing). Additionally, helping tenants stay in the same unit longer was a goal of many of the COVID-era tenant interventions given the public health interest in reducing mobility and crowding. For that subset of cases with filings, participation in mediation and reaching an agreement (regardless of mediation completion) were associated with substantially greater lengths of time between EDP enrollment and the filing (compared to those that did not participate in mediation or achieve an agreement). Cases in which the tenant received rental assistance, whether or not they participated in mediation or achieved an agreement had the longest average time period elapsing between enrollment and filing (283 days, or more than 9 months), and the greatest time differential, on average, between cases that did and not experience a particular intervention (175 days longer than cases without rental assistance— a difference of almost six months).¹²

Table 5: Average Number of Days to Court Filing after Enrolling in Eviction Diversion Program, Phase 2

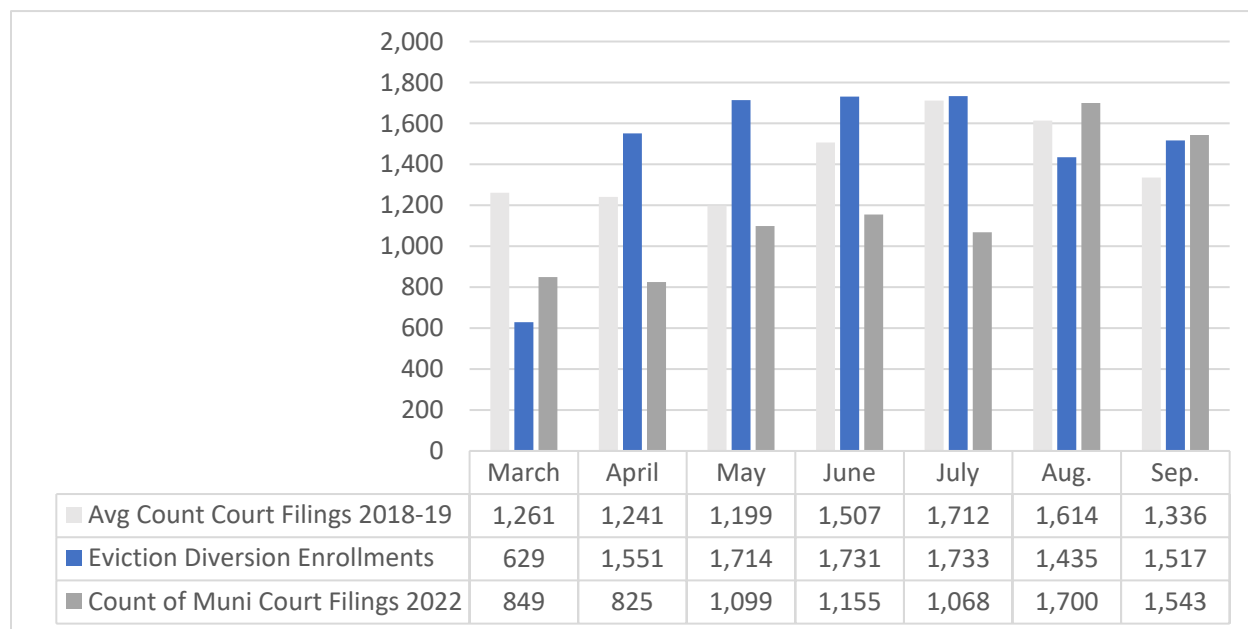
	Average Days to Filing		Average Days to Filing
Participated in Mediation	192	Did not participate in Mediation	122
Reached a Pre-Filing Agreement	221	Did not reach a Pre-Filing Agreement	121
Received Rental Assistance	283	Did not receive Rental Assistance	108

¹² This evaluation is focused on the core elements of eviction diversion (mediations and agreements) and not on the effectiveness of rental assistance. However, it is worth noting that when we looked at court filings for a longer post-EDP enrollment period of 21 months, we found that the court filing rate for cases with assistance was 33.3% - still lower than for cases without rental assistance but notably higher than the 7.4% rate within six months. This indicates that for some recipients, rental assistance may have delayed rather than fully prevented an eviction; Stakeholders said that some tenants fell further behind in rent while waiting for assistance. It is also notable that large share of Philadelphia renters are cost-burdened, spending more than then what is considered a reasonable share of their income on rent, and are therefore at a heightened risk of falling behind.

Phase 3: EDP Enrollment March 2022-September 2022

EDP enrollment volume quadrupled between the Phase 2 and Phase 3 study periods. From April through July, EDP enrollment volume was higher than pre-pandemic court filing volume and 2022 filing volume. In August and September 2022, court filings exceeded pre-pandemic and EDP volume.

Table 6: Monthly Volume of Phase 3 Diversion Cases, Pre-Pandemic Court Filings, and 2022 Court Filings



Only 7.0% of the more than 8,700 EDP cases in Phase 3 completed a mediation, and 5.6% of all cases reached an agreement. Just under half (47.3%) of cases had listed rental arrears of \$3,000 or less. Although the share of all cases accessing mediation was smaller than in Phase 2, the share of mediations leading to an agreement increased to 69.4% from 56.4%. At the same time, the share of cases reaching an agreement without mediation fell below 1%. (See Tables 3 (Phase 2), 7 and 8).¹³

Table 7: Eviction Diversion Volume and Participation, Phase 3

	Count	Percent
All EDP Cases	8,757	100.0%
Mediation	612	7.0%
No Mediation	8,145	93.0%
Agreement	490	5.6%
No Agreement	8,297	94.7%
Arrears up to \$3,000	4,146	47.3%
Arrears above \$3,000	4,611	52.7%

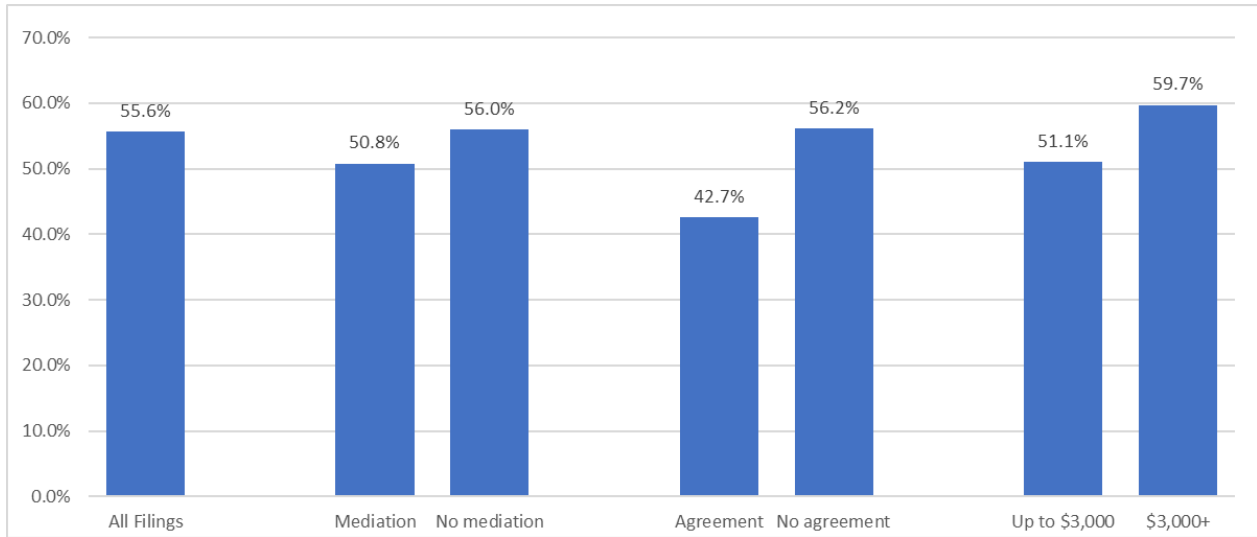
Table 8: Mediation and Agreement Status, Phase 3

		Count	Percent
Mediation	Agreement	425	69.4%
Mediation	No agreement	187	30.6%
No Mediation	Agreement	65	0.8%
No Mediation	No agreement	8,080	99.2%

¹³ Cases that received rental assistance during this time and those in which the arrearage amount was missing from the portal records were excluded from this analysis, as were those with an unexpected order of events. In total 8,757 out of 9,971 EDP enrollments during this time (88%) were included in the analysis.

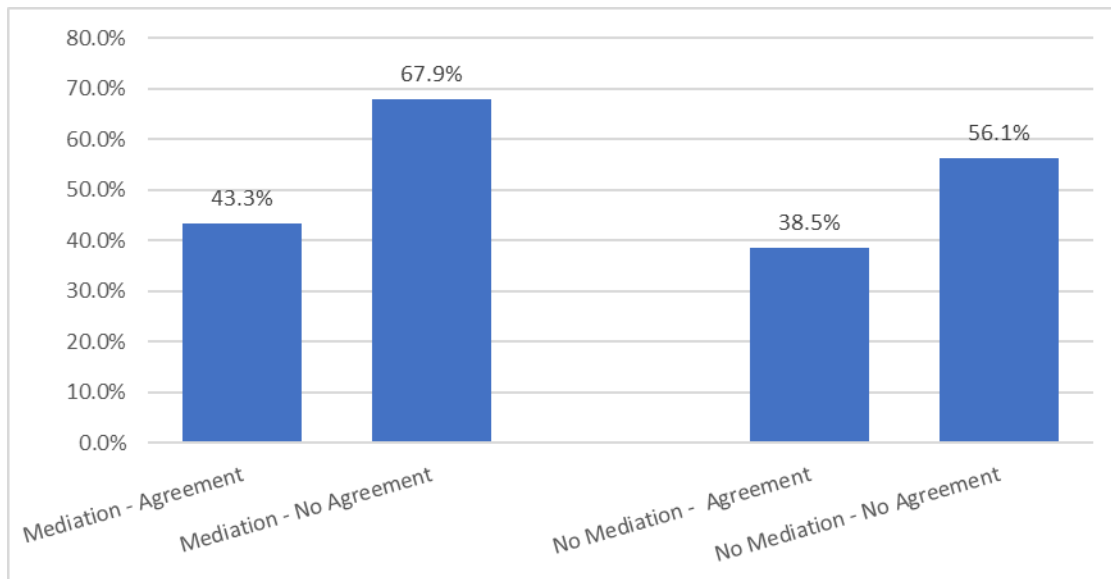
Across all Phase 3 cases 55.6% had a court filing within 6 months. The filing rate was 50.8% for cases with a mediation and 56.0% for those without. For cases that recorded an agreement, the filing rate was 42.7% and 56.2% for those that did not - the biggest differential in this phase. Cases with lower arrears amounts had somewhat lower filings rates than those with larger amounts owed. (See Figure 6).

Figure 5: Municipal Court Filing Rates, Phase 3



The filing rate was slightly lower for cases that reached an agreement without mediation than those that reached an agreement following mediation, although the former case path was rare; only 65 out of more than 8,000 EDP cases that did not complete mediation yet still reached an agreement, or less than 1%. (See Figure 7).

Figure 6: Filing Rates by Mediation and Agreement Status, Phase 3



In a small fraction of Phase 2 cases (2.0%) a tenant completed housing counseling but not mediation. The filing rate for these cases (45.1%) was 10 percentage points lower than the overall filing rate.

Table 9: Cases with Counseling and No Mediation, Phase 3

	Cases	Share of Cases	Court Filings	Filing Rate
Completed Counseling, No Mediation	173	2.0%	78	45.1%

Evaluating Outcomes by Arrears Level

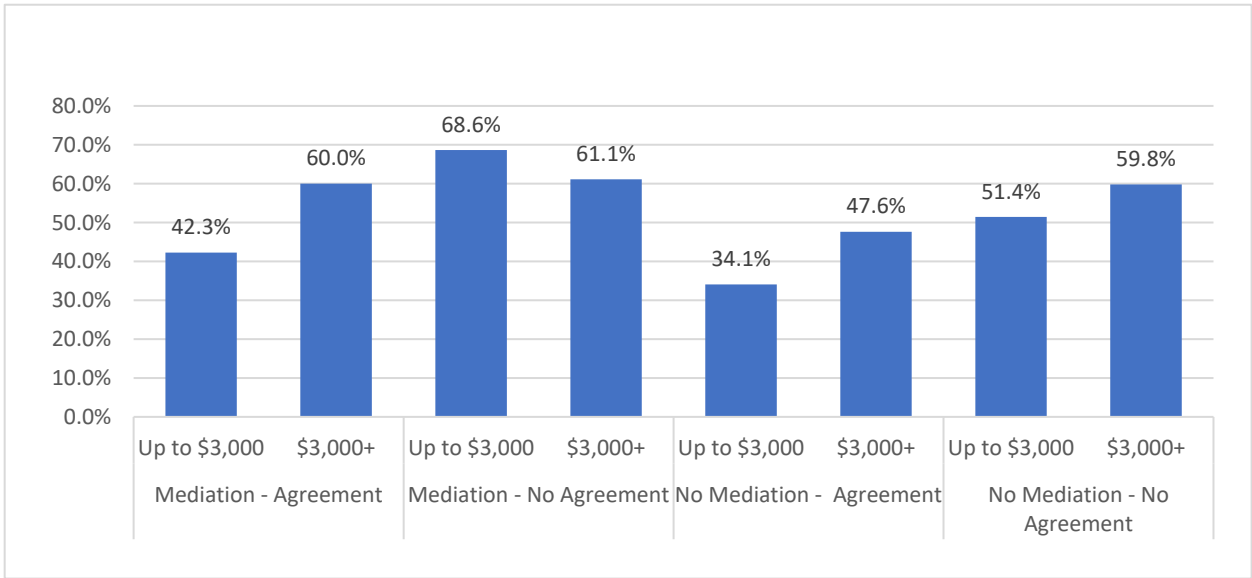
Under the new two track system, cases with lower arrears amounts were routed to counseling and mediation and those with higher amounts were not offered these resources, but simply had the 30 day period before a filing was permitted during which the parties could choose to negotiate directly, and record an agreement if they did so successfully. This evaluation compares cases with up to \$3,000 in arrears to those with more, although we note that the threshold amount to access counseling and mediation resources has varied over time. It is also worth noting that only 13.7% of cases with arrears of \$3,000 or less actually completed a mediation session during this phase (569 out of 4,146 cases).¹⁴

Within the group of cases that completed a mediation, regardless of the amount owed, achieving an agreement was associated with lower filing rates; the same can be said of cases that did not complete mediation.

Across the subgroups of cases, those with lower arrears generally had lower filing rates, except for the group of cases that had mediation but did not reach an agreement – the filing rate reached 68.6% for this group. The lowest filing rate in Phase 3 was for cases that reached an agreement outside of mediation and owed \$3,000 or less, at 34.1%. However, only 44 cases were in this group. The next lowest filing rate was 42.3% for low arrears cases that recorded an agreement after mediation – this group was almost ten times larger than its no mediation counterpart, at 400 cases.

¹⁴ Among the group of cases with less than \$2,500 in arrears, 17.3% completed a mediation (595 of 3,434).

Figure 7: Filing Rates by Diversion Pathway Phase 3, by Arrearage Amount



The average length of time between enrollment and filing - for those that experienced a filing - was dramatically shorter for Phase 3 cases compared to Phase 2 cases, though still longer than the legal minimum (30 days during this phase). Cases that went through mediation and or lower rent arrears saw fewer days elapse, on average, between enrollment and filing. The average time to file was essentially the same for cases with and without agreements.

Table 10: Average Number of Days to Court Filing after Enrolling in the Eviction Diversion Program, Phase 3

	Average Days to Filing		Average Days to Filing
Participated in Mediation	47	Did not participate in Mediation	58
Reached a Pre-Filing Agreement	58	Did not reach a Pre-Filing Agreement	57
Arrears up to \$3,000	55	Arrears \$3,000+	59

Conclusion

This evaluation indicates that Philadelphia’s Eviction Diversion Program played a role in curtailing eviction filings in Municipal Court as the city struggled through and emerged from the pandemic, and all interventions (counseling, mediation, agreements, and rental assistance) made a positive difference in the eviction filing experience of tenants. But the story is complex. Although mediation alone did not meaningfully decrease filings for all groups studied, mediation was associated with much higher odds of reaching an agreement – and cases with agreements were less likely to have a court filing. It is not clear that all of the cases enrolled in EDP would have been filed in court in the absence of an EDP program; landlord groups report that their members have always informally negotiated with tenants before seeking court intervention, and some may have viewed EDP enrollment as giving them the option to file later if negotiation failed. And eviction filings remain driven largely by financial issues, as evidenced by the role of rental assistance in contributing to a lower filing rate, as well as the lower rate of filing for cases with less money at stake.

The iterative approach to program design and implementation taken by the City and its partners has helped Philadelphia emerge as a leader in eviction reduction and renter stabilization efforts. Biweekly meetings with City officials, program implementers, tenant representatives, and Philadelphia’s two landlord associations throughout every phase of EDP helped with troubleshooting, sharing program updates, and disseminating information about the process. Changing circumstances have not halted the program. Instead, the City has taken advantage of resources like rental assistance when available, drawn on the experience of partners to refine implementation, and consulted with a wide range of stakeholders, including landlords, through each program phase. The Targeted Financial Assistance program launched in 2023 seeks to address the economic dynamics driving eviction activity.

The challenge in scaling up an EDP program dependent in large part on volunteers was evident in Phase 3. While the average number of mediations per month grew, the share of cases with a mediation fell as the enrollment volume quadrupled and the mandatory period before a court filing shortened. The city’s housing counseling agencies help homeowners and renters with a wide range of issues and programs in addition to EDP, stretching that resource and making scheduling with tenants difficult. All of the mediators are volunteers who are recruited and trained by CORA Good Shepherd Mediation, and they typically handle from about four to 12 cases a month, with a handful of caseloads outside that range. Good Shepherd expanded from managing a handful of mediators to more than 80 in 2022 and staff noted the program is now large by typical standards for volunteer-based mediation programs. The volunteer mediator model helps to contain the cost, but also severely limits program reach as evidenced by the very small proportion of Phase 3 cases that had mediation.

Groups representing landlords said they were generally supportive of the City’s efforts around eviction processes but that their members wanted more clarity and predictability in the process, including formalized regulations around the two tracks introduced in 2022 and what happens when a pre-filing agreement is breached. Prior to EDP, landlords and tenants frequently codified their post-court filing settlement negotiations with a Judgment By Agreement (which is recorded as an eviction judgement against the tenant), which provided a clearer process to follow in the event of a breach.¹⁵ Landlords also wanted incentives for participation which could take the form of reduced Court filing fees or the

¹⁵ Ira Goldstein, Emily Dowdall, Colin Weidig, Janine Simmons, Resolving Landlord-Tenant Disputes: An Analysis of Judgments by Agreement in Philadelphia’s Eviction Process. Reinvestment Fund, May 2020. <https://www.reinvestment.com/research-publications/resolving-landlord-tenant-disputes-an-analysis-of-judgments-by-agreement-in-philadelphias-eviction-process/>

creation of a “shadow docket” that would allow for setting court dates in advance in case the terms of an agreement are not met.

Some key questions remain that are beyond the scope of this brief. It is not clear why groups of cases that reached agreements without mediation had lower filings rates than groups of cases that reached agreements following a mediation; potential factors include the relatively small number of cases that reached agreements without mediation, the nature of those cases, or characteristics and preferences of the landlords or tenants involved. Further, we used a 6-month period following connection to the program as a measure of the programs’ success at meeting its objective of preventing eviction filings. One unanswered question is the degree to which after 6 months tenant circumstances change – whether they stabilize for a longer period or again confront an eviction. Examining cases in a more detailed way perhaps 12 months out would provide critical insights into the persistent impact of the interventions. Relatedly, an exploration of the nature of agreements and how that might affect outcomes could help to make agreements more effective.

Neither this evaluation nor our evaluation of Philadelphia’s Right to Counsel¹⁶ program undertakes a cost-benefit comparison of the different interventions (e.g., housing counseling, mediation, rental assistance, legal representation) by the expense entailed. There are reasonable estimates of what gets saved when a tenant avoids an eviction; those estimates could provide a baseline against which the cost of each/all interventions are measured.¹⁷

In closing, as regulations related to tenancy and tenant/landlord resources return to a more steady-state coming out of the pandemic, the role of EDP within the network of renter stabilization resources will likely become clearer – and, with additional analysis and resulting adaptation, could be made more impactful.

¹⁶ Right to Counsel offers income eligible tenants in selected zip codes access to legal representation at no cost once a case is filed. Our evaluation of that program’s first year does indicate positive results for tenants who received counsel in term of reduced lockouts, more time in the unit, and reduced payment amounts.

¹⁷ Stout Risius Ross, “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants,” 2018. https://cdn2.hubspot.net/hubfs/4408380/PDF/Cost-Benefit-Impact-Studies/Philadelphia%20Evictions%20Report_11-13-18.pdf

Appendix

Phase 2 Case Count and Share of Cases by Rental Assistance Status for Different Mediation and Agreement Pathways

Phase 2		Case Count	Share
Mediation - Agreement	Rental Assistance	119	33.1%
	No Rental Assistance	241	66.9%
Mediation - No Agreement	Rental Assistance	62	22.3%
	No Rental Assistance	216	77.7%
No Mediation - Agreement	Rental Assistance	110	50.7%
	No Rental Assistance	107	49.3%
No Mediation - No Agreement	Rental Assistance	303	16.0%
	No Rental Assistance	1,594	84.0%

Phase 3 Case Count and Share of Cases by Size of Rent Arrearage for Different Mediation and Agreement Pathways

Phase 3		Case Count	Share
Mediation - Agreement	Up to \$3,000	400	94.1%
	\$3,000+	25	5.9%
Mediation - No Agreement	Up to \$3,000	169	90.4%
	\$3,000+	18	9.6%
No Mediation - Agreement	Up to \$3,000	44	67.7%
	\$3,000+	21	32.3%
No Mediation - No Agreement	Up to \$3,000	3,533	43.7%
	\$3,000+	4,547	56.3%

Phase 2 Filing Count and Rate (Percent Of All Cases In Group With An Eviction Filing)

Phase 2			Filing Count	Filing Rate
Mediation	Agreement	Rental Assistance	5	4.2%
Mediation	Agreement	No Rental Assistance	45	18.7%
Mediation	No agreement	Rental Assistance	5	8.1%
Mediation	No agreement	No Rental Assistance	81	37.5%
No Mediation	Agreement	Rental Assistance	2	1.8%
No Mediation	Agreement	No Rental Assistance	25	23.4%
No Mediation	No agreement	Rental Assistance	32	10.6%
No Mediation	No agreement	No Rental Assistance	760	47.7%

Phase 3 Filing Count and Rate (Percent Of All Cases In Group With An Eviction Filing)

Phase 3			Filing Count	Filing Rate
Mediation	Agreement	Up to \$3,000	169	42.3%
Mediation	Agreement	\$3,000+	15	60.0%
Mediation	No agreement	Up to \$3,000	116	68.6%
Mediation	No agreement	\$3,000+	11	61.1%
No Mediation	Agreement	Up to \$3,000	15	34.1%
No Mediation	Agreement	\$3,000+	10	47.6%
No Mediation	No agreement	Up to \$3,000	1,817	51.4%
No Mediation	No agreement	\$3,000+	2,719	59.8%