

FAIR HOUSING GUIDE



**Fair Housing
Commission**



CITY OF PHILADELPHIA

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WHAT IS THE PHILADELPHIA CODE?

Philadelphia's Home Rule Charter gives the Philadelphia City Council the ability to adopt and publish a comprehensive codification of all general ordinances adopted by the Council.

The Philadelphia Code is the compilation of all general ordinances adopted by the Philadelphia City Council.



About Us



Greetings,

Fair housing enforcement is critical in helping Philadelphia residents live in the communities of their choice in safe and habitable housing. Housing impacts health, employment opportunities, education, access to transportation and many other qualities of life factors.

The Philadelphia Fair Housing Commission (FHC) enforces the Philadelphia Fair Housing Ordinance (Section 9-800 of the Philadelphia Code).

The FHC protects the rights of the Philadelphia rental community by:

- Accepting complaints from Philadelphia tenants affected by a landlord's unfair rental practices.
- Conducts hearings to resolve complaints and determine the rights and responsibilities of tenants and landlords.
- Issuing orders to enforce the City's Fair Housing Ordinance and settle conflicts between tenants and landlords.

The FHC does NOT:

- Locate affordable housing.
- Provide rental assistance.
- Provide legal representation.
- Accept complaints for properties operated by the Philadelphia Housing Authority (PHA) or the Department of Housing and Urban Development (HUD).

The FHC is an independent commission that is staffed by and works in collaboration with the Philadelphia Commission on Human Relations.

A handwritten signature in dark ink, reading "Rexie Chenault Foster".

Executive Director
Philadelphia Fair Housing Commission
Philadelphia Commission on Human Relations



Contact Us

Fair Housing Commission

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Connect with us

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@PhillyPCHR on social media



Tenant Responsibilities

As a tenant, you do have some responsibilities. Here's how to fairly keep your end of the lease:



Behavior

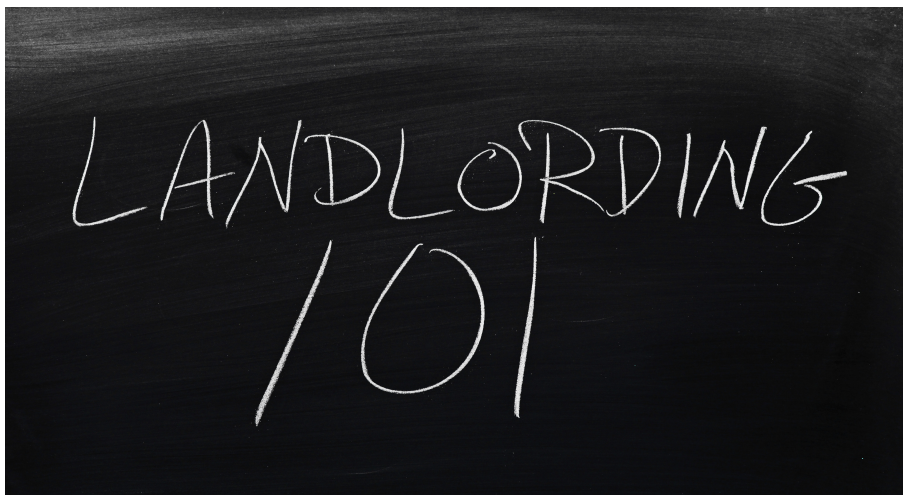
- Be respectful to your neighbors and the property.
 - Put your trash out on assigned days.
 - Monitor your music and noise
 - Share parking spaces.
- Adhere to the number of people and pets the lease says can live in the property.
- Changed the locks? Give your landlord a key.

Payment

- Pay your rent on time
- Get a receipt for your rent
 - Canceled checks
 - Money order receipts
 - Cash
 - Purchase a receipt book to record payments, when paying in cash, if landlord doesn't provide receipt
 - Be sure that your landlord signs them

Landlord Responsibilities

As the landlord, here's how to fairly keep your end of the lease:



Rental License

- Landlords in Philadelphia must have a rental license for the correct number of rental units in a property.
- Licenses generally expire after one year and must be regularly renewed by your landlord.
- Rental licenses are issued by the Department of Licenses and Inspections (“L&I”).
- You can determine if your landlord has a rental license by calling 311.
- If your landlord does not have a current rental license, they may not collect rent from you or remove you from the property.

Lead Certificate

- All rental properties in Philadelphia, built before 1978, must be tested for lead and lead certified, even if children do not occupy the property.
- Landlords are required to submit lead test results for each rental unit to the City and obtain a “Lead-Safe” or “Lead-Free” certificate.
- If you rent a covered property, your landlord is required to give you a copy of your unit’s lead certificate.
- If your landlord does not give you a lead certificate, they may not collect rent from you or remove you from the property.

Landlord Responsibilities



Certificate of Rental Suitability (“CRS”)

- If your landlord is required to have a rental license, they must also get a “CRS” showing that the property has no L&I code violations.
- Your landlord is required to give you a copy of a current CRS for the property and a copy of a pamphlet called “the City of Philadelphia Partners for Good Housing Handbook.”
- If your landlord does not give you a CRS and the Good Housing Handbook, they may not collect rent from you or remove you from the property.

RESOURCES



Certificate of Suitability



Partners in Good
Housing brochure

Repairs

Landlords are required to provide you with a habitable rental property and to make repairs that effect your ability to safely occupy the property. Landlords are NOT required to change the property or make repairs that only effect the appearance of the property.

Withholding Rent

- If your landlord does not make repairs in a reasonable time, inform your landlord in writing that you will not pay your rent until repairs are made.
- Instead of paying your rent, set it aside, until your landlord makes repairs.
- Be prepared to be able to prove your rent funds are set aside (i.e., ATM receipt, money order, or bank statement).

**Consult legal counsel prior to withholding rent payments*



If Landlord Does Not Make Repairs

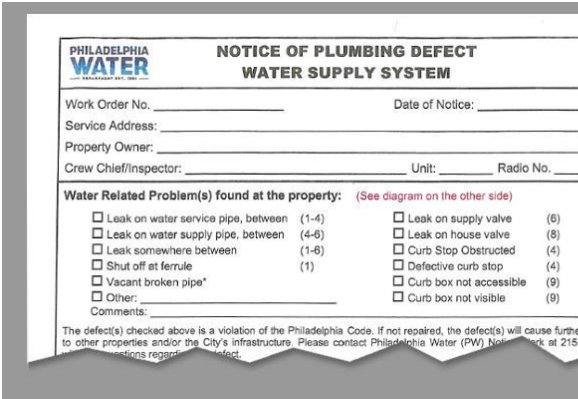
- Contact L&I.
 - Call 311 and report the conditions in the property.
 - Make sure to request and keep your L&I service number.
 - Expect L&I to inspect the property and determine whether the conditions violate the Philadelphia Code.
 - If L&I finds code violations, your landlord is required to respond to L&I's findings and resolve the violations in a timely manner.

Reporting Repairs

- Make all repair requests promptly and in writing, deliver them to your landlord by mail, e-mail, or in-person, and keep a copy of your requests.
- Give your landlord a reasonable amount of time to make repairs.
- Give your landlord or landlord's contractors access to the property if 24-hour notice is given. In emergencies, 24-hour notice is not needed.

Unfair Rental Practices

Open Violations: An open violation refers to an unresolved breach of housing codes or regulations, often requiring corrective action by the property owner to ensure compliance and safety.



The image shows a 'NOTICE OF PLUMBING DEFECT WATER SUPPLY SYSTEM' form from Philadelphia Water. The form includes fields for Work Order No., Date of Notice, Service Address, Property Owner, Crew Chief/Inspector, Unit, and Radio No. Below these fields is a section titled 'Water Related Problem(s) found at the property: (See diagram on the other side)'. This section contains two columns of checkboxes and corresponding numbers: (1-4) for leaks on water service pipes, (1-6) for leaks on water supply pipes, (1-6) for leaks somewhere between, (1) for shut off at ferrule, and an 'Other' field. The second column includes (6) for leaks on supply valves, (8) for leaks on house valves, (4) for obstructed curb stops, (4) for defective curb stops, (9) for inaccessible curb boxes, and (9) for invisible curb boxes. A 'Comments:' field is at the bottom. A small disclaimer at the very bottom states that the defect is a violation of the Philadelphia Code and that the city will cause further work if not repaired.

It is illegal for your landlord to end your lease when L&I or some other relevant City agency or department (Ex: Health Department or Water Department) has issued violations on the property, and your landlord has not resolved the issues.

It is illegal for your landlord to end or change your lease in retaliation for you:

- Reporting repairs to your landlord, to L&I, or to some other relevant City agency or department.
- Withholding your rent until repairs are made.
- Joining or forming a tenant union.
- Experiencing domestic violence or sexual assault.

Retaliation: Retaliation in housing, such as evicting or harassing tenants for exercising their legal rights, is both unethical and illegal under many housing laws, including the Fair Housing Ordinance.



Unfair Rental Practices

Good Cause: If your lease is for less than one year, it is illegal for your landlord to end your lease without giving you a “good cause reason” in writing.



Examples:

- Habitual nonpayment or late payment of rent.
- Serious breach of your lease.
- Nuisance activity.
- Causing damage to the property.

Self-Help Eviction: A self-help eviction occurs when a landlord attempts to remove a tenant from a property by physically removing the tenant, threatening the tenant’s health or safety, intimidating the tenant, or performing any other action to prevent the tenant from occupying the property.



Examples:

- Changing the property’s locks without providing you with a key.
- Removing or boarding-up exterior doors and windows.
- Disconnecting utilities.



View the FHC
blog on self
help evictions

Filing a complaint



When to File

- If you receive a written notice of lease termination or other modification of the lease (i.e., rent increase) after L&I or other city agency has issued property violations and/or you have exercised a tenant right.
- If the landlord locks you out, shuts off your utilities, or boards up windows and doors.

How to File

- Gather your documents:
 - Written lease, if you have one;
 - Proof of rental payments or withheld rent;
 - Communications between you and your landlord about repairs;
 - Photos of the problems at issue;
 - Eviction notices.

Complete an Intake Form

You can complete and submit an FHC intake form in-person, over the phone with the assistance of a staff member, or by completing the form online.

If our staff finds enough evidence to accept your complaint, a hearing will be set for you and your landlord. We do NOT accept every complaint.



Legal Resources



Lawyer Referral Services, Philadelphia Bar Association



The mission of the Philadelphia Bar Association is to serve the profession and the public by promoting justice, professional excellence, and respect for the rule of law. In so doing, the Association strives to foster understanding of, involvement in, and access to the justice system.

TURN: Tenant Union Representative Network

TURN is a tenant service and advocacy organization that promotes the human right to housing. Their goal is to guarantee all Philadelphians equal access to safe, decent, accessible, and affordable housing.



Community Legal Service

Community Legal Services (CLS) provides free civil legal assistance to low-income Philadelphians. CLS assists clients when they face the threat of losing their homes, incomes, health care, and even their families.

Right to Counsel

PhillyTenant.org is the product of a collaboration of legal services and advocacy organizations in Philadelphia



Frequently Asked Neighbor Concerns

Does the FHC provide financial assistance toward security deposits or other moving costs?

Answer: No.

In Philadelphia, organizations like the Office of Community Empowerment and Opportunity, PHDC, Office of Homeless Services, Catholic Social Services, or 211 would be able to assist with cost affiliated with moving into a property.

Will FHC help me retrieve my security deposit once I move out?

Answer: No.

After you move out, you may request that your landlord return your security deposit. The Fair Housing Commission does not assist tenants in getting their security deposits back. Tenants may file in Municipal Court, Small Claims.



Municipal Court, Small claims

Do I need a lawyer to file a Fair Housing complaint or participate in a Fair Housing hearing?

Answer: No.

A lawyer is not required to file a complaint with the Commission or participate in a Fair Housing hearing. Most of the Commission's parties are not represented. However, many participants find legal representation helpful for navigating the process and presenting their testimony to the Commission.

Does the FHC accept complaints from tenants living in PHA or HUD properties?

Answer: No.

The FHC does not have jurisdiction over PHA or HUD properties. You will need to contact the EEOC to file a complaint.

Does the FHC accept complaints from occupants living in the property?

Answer: No.

Only the tenant(s) are eligible to file the complaint.

My landlord has already filed against me in Landlord-Tenant Court. Can I still file a complaint with the Fair Housing Commission?

Answer: No.

If your landlord files in Landlord-Tenant Court before the tenant, then the Court has jurisdiction and a complaint cannot be filed.

Can the FHC assist me with breaking my lease so I can leave early without a penalty?

Answer: No.

The FHC does not assist in disputes over the lease terms.



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