

LESSONS LEARNED

ANNUAL
2021
REPORT





In fall 2021, the Law Center, with our partners at O'Melveny and Education Law Center - PA, began a trial that could be a turning point in the history of our Commonwealth. The trial, taking on the Pennsylvania state legislature's inadequate and inequitable school funding system, lasted fourteen weeks, and our trial team relocated to Harrisburg, living out of hotel rooms for months. I can think of no greater example of perseverance and grit than the school funding case.

Commonwealth Court's livestream channel gave people across Pennsylvania a view inside the courtroom. I watched as our lawyers showed inspiring legal acumen as they made the case for quality public schools in every community. I watched as our clients, from small towns, cities and suburbs that form a cross-section of Pennsylvania, outlined in concrete detail what insufficient state funding means in low-wealth school districts: students learning in overcrowded classrooms, with outdated materials, in unsafe buildings, lacking the support they need to reach their full potential.

This case, seven long years in the making, is a touchstone for education justice and fairness. The evidence presented by our team illustrated that our state legislature is simply not doing enough to ensure all kids in Pennsylvania receive the education they deserve, that the state constitution entitles them to have. Our legislative leaders have built a two-tiered system, divided by local wealth.

This case could change that. And for me, the trial was a reminder not to take our mission for granted—to keep our focus on fundamental changes that will make a difference in the lives of the people we serve, whether it takes seven weeks or seven years.

The Law Center also remained focused and steadfast in one of our other areas of expertise, voting rights. Since 2016, we have advocated against prison gerrymandering—the practice of counting prisoners in their cells and not their last known residence when drawing voting district lines—educating legislators, stakeholders, and the public. We learned once again that perseverance pays off. In August 2021, the Legislative Reapportionment Commission voted to count most prisoners at their home addresses when drawing state house and senate district lines. This decision recognized that incarcerated Pennsylvanians should be represented in Harrisburg as part of their communities—not counted in districts they often have no connection to, at their hometown's expense.

We look forward to 2022, when we will embark on strategic planning. We will evaluate our past work, take in lessons learned, look at our current goals and priorities, assess how and why we do what we do, and create our roadmap for the next few years. It is an exciting time at the Law Center, and I cannot wait to share with you where our strategic plan will take us.

The Law Center's work in 2021 took us in many directions. We learned that realizing our mission is an ever-evolving pursuit of creative strategies, smart decisions, connections to community, and holistic problem solving. We cannot do this work alone. We need you to continue to help steer us, support us, and uplift us. Thank you for an incredible year, and we look forward to standing with you as we take on whatever comes next. We know we can keep pushing, and persevere. As one of my heroes, Dolores Huerta, echoed in her organizing work on behalf of so many struggling together for equity and fairness—*si se puede*. And you know we can, and we will, fight the good fight.

A handwritten signature in dark ink, reading "Brenda L. Marrero". The signature is fluid and cursive, with a large, stylized "B" and "M".

Brenda Marrero, Executive Director

2021

By the Numbers

The Public Interest Law Center uses high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region facing discrimination, inequality, and poverty. We use litigation, community education, advocacy, and organizing to secure access to fundamental resources and services.

23

volunteers
and interns

29

kindergarteners in a
class with one teacher
and no aides in Panther
Valley School District in
Carbon County

328

press hits highlighting the
effects of Pennsylvania's
inadequate and inequitable
public school funding system
and the trial to change it, in
outlets across Pennsylvania
and nationwide

83

pro bono
attorneys and
1 pro bono
paralegal

573

individual donors

\$4,800

less spent per student in
Pennsylvania's poorest
20% of districts than in the
commonwealth's richest
20% of districts.

15,100

pages of trial testimony in the
Pennsylvania school funding
trial, which began with opening
statements on November 12, 2021

467,374

students in the 64 Pennsylvania school districts
underfunded by more than \$4,000 per student,
according to a benchmark for adequate funding
written in state law. These include our largest city
and rural districts covering entire counties.

26,819

prisoners in state prisons
who were counted at their
home addresses when state
legislative districts were
drawn in 2022—a major
victory against prison
gerrymandering.

9,004,104

registered voters in Pennsylvania who could lose the option to vote by
mail without an excuse if Act 77 is overturned. We are representing
voters who rely on mail-in voting to access the ballot box.

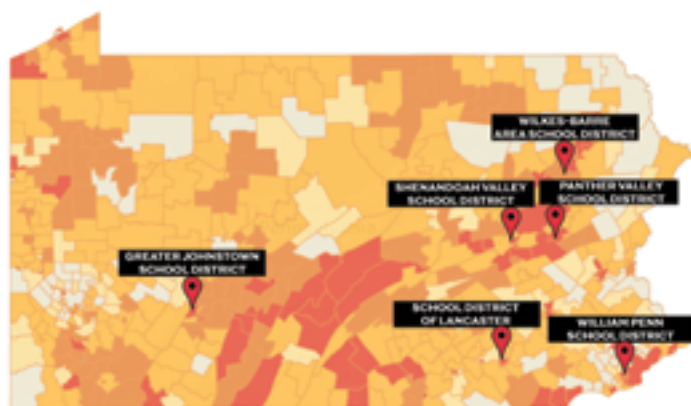
STUDENTS' DAY IN COURT: THE PENNSYLVANIA SCHOOL FUNDING TRIAL

For too long in Pennsylvania, a school district's local wealth has determined which fourth graders get the help they need in reading, which middle schoolers have safe buildings, and which eleventh graders can prepare for college. Our \$4,800 per student funding gap between wealthy and poor school districts is one of the largest in the nation, and the gap is growing. Students of color are concentrated in the lowest-wealth school districts, which are the most deeply underfunded.

Insufficient state funding for public education allows the state legislature to pass the buck to local taxpayers. Students in urban, suburban, and rural districts without the wealth to pick up the slack are left without the basics and without the support they need to reach their potential. Differences in property values fuel unacceptable inequity in educational opportunities and results.

In Pennsylvania, the students who need the most get the least, because of where they live. It's wrong, it's unconstitutional, and our leaders in Harrisburg are responsible. So we took the state to court, filing a lawsuit challenging the state legislature's school funding system in 2014.

Pennsylvania's Public School Funding Shortfall and the Districts Suing the State.



- \$0
- Up to \$999
- Up to \$2,999
- Up to \$3,999
- \$4,000 and up

Color Key: School funding shortfall per student in a school district, according to a benchmark in state law for adequate funding.



The Law Center trial team, from left to right: Claudia De Palma, Michael Churchill, Dan Urevick-Ackelsberg



**Follow along
with our
timeline of the
four-month
trial, with
stories from
small towns,
cities, and
suburbs across
Pennsylvania.**



Our clients, six Pennsylvania school districts, the Pennsylvania Association of Rural and Small Schools, the NAACP-PA State Conference, and a group of public school parents, filed suit in Pennsylvania Commonwealth Court against state legislative leaders, state education officials, and the governor. We claim that the state legislature's current public school funding system violates the Pennsylvania State Constitution, which charges the legislature to provide a "thorough and efficient" system of public education to all students. We also contend that Pennsylvania's current educational inequality based on local wealth is unconstitutional discrimination against students in poor communities.

Our clients are demanding that the state legislature enact a new system of public school funding. In a nutshell: sufficient state funds, distributed according to student need, so that public schools in every community—whether or not they are wealthy—can provide their students with a quality education that prepares them for higher education, careers, and civic participation.

In 2021, our case went to trial in Harrisburg's Commonwealth Court, with Judge Renée Cohn Jubelirer presiding. We were joined by co-counsel from the Education Law Center-PA and O'Melveny. Closing arguments were held on March 10, 2022, and post-trial proceedings are ongoing.

NOVEMBER 12, 2021

Opening Statements

The case began with opening statements, giving a bird's-eye view of Pennsylvania's school funding system. A large majority, 59 percent, of school funding in Pennsylvania comes from local governments, resulting in stark differences in resources for public schools based on local wealth. Pennsylvania ranks 45th nationwide in the share of school funding that comes from the state level. Even the inadequate state funding we do have is distributed inequitably and irrationally, with more than 80 percent of it allocated based on demographic data from 1992, and not based on current need.

"The disparities in funding between high-wealth and low-wealth districts, that's not just numbers on paper," petitioner attorney Katrina Robson of O'Melveny said in our opening statement on behalf of school districts, parents, and statewide associations. "That's children, hundreds of thousands of them."



Supporters of public education held a rally on the capitol steps in Harrisburg on November 12, organized by Children First and Education Voters PA.

NOVEMBER 15, 2021

'Who else is there to ask?'

We called our first witness on November 15 – David McAndrew, Superintendent of petitioner Panther Valley School District, a small rural district located primarily in Carbon County.

75 kindergartners in the Panther Valley elementary school must share one toilet and two urinals. Kindergarten classrooms have as many as 29 students, with one teacher and no aides or paraprofessionals. 37 students in seventh grade science share eight microscopes between them.

Panther Valley taxpayers pay the 10th highest local tax rates in the state—but there just is not enough wealth in the former coal mining community to fund what their students need. Later in the week, 5th grade teacher Tara Yuricheck testified that her parents, also residents of the district, lost their home due to an inability to pay property taxes, that her own property taxes are higher than the principal payment on her mortgage, and that she spends \$300 per year of her own funds on supplemental classroom materials.



Superintendent David McAndrew with Annie Marchitello of O'Melveny

Teacher Tara Yuricheck



"We have kids who want to learn," McAndrew said. "We have kids who are raising their hands, but we can't get to them. And there's no end in sight for this. I'm sitting here and I'm asking the state of Pennsylvania to help us. Who else is there to ask?"

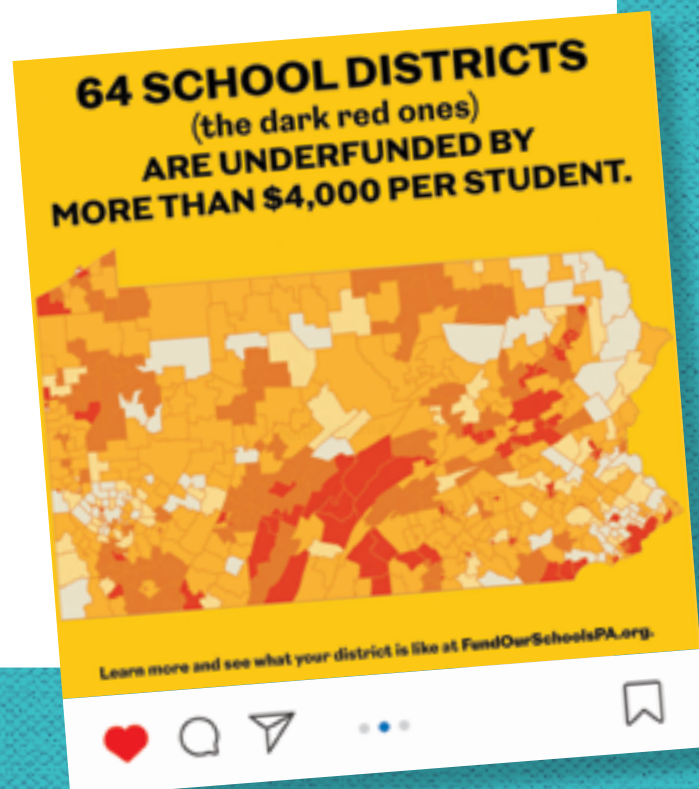
NOVEMBER 19, 2021

'Those districts that need the most get the least'

Professor Matthew Kelly of Penn State University testified about an extensive analysis he conducted of Pennsylvania's school funding system.

Pennsylvania public schools are \$4.6 billion short of a benchmark for adequate state and local funding written in state law.

Economically disadvantaged students who attend wealthy districts achieve higher proficiency, graduate high school at higher rates, and earn college degrees at higher rates than economically disadvantaged students in poor districts.



Pennsylvania has a \$4,800 per student spending gap between poor and wealthy school districts.

NOVEMBER 30, 2021

Achievement Gaps

Matthew Stem, Pennsylvania's former top K-12 official with the Pennsylvania Department of Education from 2015 to 2021, took the stand for three days starting on November 30, 2021, with direct examination led by Law Center staff attorney Dan Urevick-Ackelsberg.

Students learn in a converted hallway space in a School District of Lancaster elementary school.



Stem said that everywhere that his department reviews data for subgroups of students – AP exam results, SAT scores, college graduation rates, PSSAs, and more – there are unacceptable achievement gaps for Pennsylvania public school students, and that one of the “root causes” is the state’s significant funding gaps between low-wealth and high-wealth school districts. “I think it’s very, very unlikely that Pennsylvania will be able to close the achievement gaps that we’ve seen for decades without additional funding, particularly for schools with high percentages of students in poverty,” Stem said.



DECEMBER 7, 2021

‘Make a closet not feel like a closet’

Greater Johnstown School District serves a Western Pennsylvania community that was once a hub of the coal and steel industries. Today, those jobs are largely gone, and 86% of Johnstown’s students are economically disadvantaged. The district ranks 495th out of 499 districts in current spending relative to student need. This measure, used by the PA Department of Education, recognizes that some students—students with disabilities, students who are learning English, students in poverty, and others—require more support than their peers, and therefore cost more to educate. Greater Johnstown superintendent Dr. Amy Arcurio testified that the district does not have the resources to meet those needs.

When the district closed its former middle school after building conditions there became unsafe for students and too expensive to repair, the district was forced to use every inch of space in its elementary school to accommodate additional students, converting storage areas to classrooms.

Arcurio became emotional when she was shown a photo of one such classroom, a windowless storage closet, while testifying. She pointed out a colorful carpet on the floor that the teacher, providing reading interventions to students, purchased to decorate the room. “[Our teachers] do what they can to make closets not feel like a closet, so that students feel valued as children should feel valued.” But, Arcurio emphasized, “Students shouldn’t have to be in a learning space like this.”

Greater Johnstown’s elementary school has 1,200 students. In first grade, 80% of students require individual or small group support, but the district has just two reading specialists. Each year, Arcurio testified that the district has to make “awful” decisions about which students can receive the services those reading specialists provide. The few who can receive interventions, she said, often receive them in converted closet classrooms.

◀ This photo, shown during Superintendent Arcurio’s testimony, shows a mural in Greater Johnstown’s former middle school facility that was closed in 2017 when deteriorating conditions were deemed unsafe for students. The center of the mural reads “the doorway to our future.”

DECEMBER 9, 2021
35 to 1

Superintendent Brian Waite took the stand December 9, representing the rural Shenandoah Valley School District in Schuylkill County. Shenandoah Valley ranks 11th in the state in the percentage of students who are English learners (EL). The district serves twice as many English learners as it did in 2008, currently teaching 143 EL students. Despite this increase, Waite said, the district has been unable to hire additional English learner teachers since 2008.

It still has just four EL teachers, and each teacher is responsible for a caseload of approximately 35 students. Law Center attorney Michael Churchill, who appeared in court on his 82nd birthday, led Superintendent Waite's direct examination. Churchill has represented students in cases fighting for quality public education for more than 50 years.

"I didn't speak English when I started in kindergarten. I was very poor, one of seven children, and I made it because I had the right teachers and I had the right resources. And I know that every single child who gets those same things can make it."

- Dr. Damaris Rau, superintendent of the petitioner School District of Lancaster, during her testimony on December 17, 2021



Law Center attorney Michael Churchill (right) speaks with Superintendent Brian Waite of petitioner Shenandoah Valley School District.

DECEMBER 21, 2021

'What use would someone on the McDonald's career track have for Algebra 1?'

While questioning Matthew Splain, superintendent of Otto-Eldred School District and president of the PA Association of Rural and Small Schools, an attorney for Pennsylvania State Senate President Pro Tempore Jake Corman questioned the relevance of academic standards for all students. "What use would a carpenter have for biology?" the senator's attorney asked. "What use would someone on the McDonald's career track have for Algebra 1?"

Trial was held in Harrisburg at the Pennsylvania Judicial Center



When asked to explain his line of questioning, Sen. Corman's attorney referred to the Pennsylvania State Constitution's education clause, which calls for the general assembly to provide a thorough and efficient system of public education "to serve the needs of the Commonwealth."

"I think there's a need for retail workers, there's a need for people who know how to flip a pizza crust," Sen. Corman's attorney said. "My point is, do these proficiency standards actually, in any way imaginably, serve the needs of the Commonwealth such that they should be mandatory across the board? And I think the answer is no."

In her closing argument for petitioners, attorney Katrina Robson of O'Melveny said this argument "made a mockery" of the Pennsylvania State Constitution's education clause.

"Legislative respondents have suggested that disparities in educational resources and outcomes are acceptable because the Commonwealth needs people to, using their words, flip pizza crusts or work at McDonald's," she said.

DECEMBER 22, 2021

‘They believe they can do anything’

Nicole Miller is a kindergarten teacher at William Penn School District’s Evans Elementary School, located just outside Philadelphia. “I think for me what’s unique to kindergarten is the fact that they believe they can do anything,” she said. In her testimony, with direct examination from Law Center staff attorney Claudia De Palma, she took the court through a typical day, minute-by-minute, as the only adult in a classroom with 25 students, some of whom cannot hold a pencil, while others can read independently.



Fourth grade students in the William Penn School District in 2017

In language arts, Miller’s students break into five groups. She is able to work with the group of students who need the most reading support every day, but can see just one of the other four groups each day—providing about 10 minutes of individual support a week. Simple mistakes that she could correct quickly, such as writing letters backwards, can linger for days. Students have 15 minutes daily for recess, and they share four swings, two slides, and monkey bars with 125 other students.

With more support, Miller said, she would be able to “fill those learning gaps and better prepare my students... for first grade and beyond, and would have the opportunity to do what I would love to do and preserve that enthusiasm about learning.”

JANUARY 7, 2022

Friday Night Lights

In deeply underfunded districts, educators and students go the extra mile to provide things that most communities take for granted. In William Penn School District, the football field does not have stadium lights.

Former Superintendent Jane Harbert testified that she decided to spend scarce district funds on rented construction floodlights after hearing a pitch from a group of football players. The four seniors told her they wanted the opportunity to play a Friday night home game under lights at least once before they graduated from high school. Harbert took a chance, and the players went to work: the students contacted a rental company, secured a discount, and printed flyers to let neighbors know about their first-ever night game.

School security officers volunteered to staff the game. The district’s business manager smoked chicken. Teachers made “Friday Night Lights” t-shirts. More than 500 students, alumni, and community members attended. “The camaraderie that we brought together for the entire school system ... was, to me, unmeasurable,” Harbert said.

William Penn School District’s football field, which does not have stadium lights.



JANUARY 24, 2022

'Like you don't matter'

Recent Wilkes-Barre graduate Michael Horvath testified that attending a school where the water fountains didn't work, the façade was crumbling, and rodents were common, "made you feel like you were less" and "like you didn't matter." Horvath was in 8th grade in 2014 when his mother, Tracey Hughes, agreed to be part of the lawsuit as a parent petitioner. Petitioners concluded their case in chief on January 26. In addition to witnesses from Pennsylvania school districts, petitioners called a representative of the NAACP Pennsylvania State Conference, four current and former PA Department of Education officials, and six expert witnesses.



Michael Horvath and his mother Tracey Hughes of Wilkes-Barre are petitioners in the school funding lawsuit.



A classroom in Kistler Elementary in Wilkes-Barre divided with classroom furniture—a white board and a coat rack—so that two classes can be held at once.

A crack in the wall of Kistler Elementary in Wilkes-Barre. The district commissioned a facilities study which found that the school needs \$25 million in repairs.



FEBRUARY 2 – FEBRUARY 17, 2022

Legislative leaders put on their case

Over two weeks of testimony, legislative leaders put on their case defending the current school funding system in Pennsylvania. They called a private school CEO, two cyber charter school leaders, a legislative staffer, and six expert witnesses. Find our summaries of their case at FundOurSchoolsPA.org/news.

What can I do to help?



- Write a letter to the editor of your local newspaper about the need for adequate state funding
- Email and call your Pennsylvania legislators
- Ask your school district or organization to adopt a resolution supporting the lawsuit
- Contact Dena Driscoll at ddriscoll@pubintl.org if you are interested in organizing an informative presentation about school funding in Pennsylvania for your organization

For more information, visit

FundOurSchoolsPA.org/GetInvolved or
FundOurSchoolsPA.org/Resources

MARCH 10, 2022

Closing Arguments

"150 years ago, in the years after our nation stood down a threat to its very existence and during a period of intense distrust in the government, the people of Pennsylvania made a promise [in the State Constitution]. That promise was to invest in every future citizen, no matter what corner of the Commonwealth they came from.

One system for one people. It's time to keep that promise." – Attorney Katrina Robson of O'Melveny during her closing argument for petitioners.

After closing arguments, the case moved into its post-trial phase. The final post-trial briefs on legal issues in the case are due July 15, followed by oral argument on the legal issues on July 26.

Following these post-trial filings and arguments, the judge will make a decision. In a case this extensive, we cannot say for sure when a final decision will be reached—it could be weeks or months after arguments conclude. We are confident about what we proved in court, but an appeal to the Pennsylvania Supreme Court is likely from whichever side loses the case.

Our leaders in Harrisburg have a legal obligation under the Pennsylvania State Constitution to provide the state funding necessary so that all students, not just those in wealthy communities, have the resources and support they need for a quality public education. But the state legislature does not have to wait for the courts to tell them to adequately fund public schools—they have the power to do so right now.

The attorneys from the Public Interest Law Center, Education Law Center-PA, and O'Melveny representing school districts, parents and organizations.



The superintendents of six petitioner school districts. From left to right: Brian Costello, Wilkes-Barre Area SD; Brian Waite, Shenandoah Valley SD; Eric Becoats, William Penn SD; Damaris Rau, SD of Lancaster; Amy Arcurio, Greater Johnstown SD; David McAndrew, Panther Valley SD.



STANDING UP FOR ENVIRONMENTAL JUSTICE

Auto body shops: bad neighbors for Southwest Philadelphia?

For decades, Black, Latino and low-income communities—facing disinvestment and lacking political power—have borne the compounded effects of concentrated pollution and hazardous development. And for decades, the Law Center has supported these communities when they fight back for the health and safety of their neighbors.

In Southwest Philadelphia, working class Black residential neighborhoods must contend with the proliferation and concentration of auto body shops and scrapyards, many of which share blocks with homes. According to a 2019 report from WHYY, more than 100 auto-related businesses in Southwest Philadelphia have been granted zoning variances to operate on lots that are not intended for industrial use. Residents face cars blocking sidewalks, toxic chemicals that are often improperly stored, and a risk of fire. One large junkyard caught fire on November 9, 2021, spewing acrid smoke across the city. The concentration of polluting facilities is just one manifestation of the environmental racism, disinvestment and neglect faced by communities of color in Philadelphia and Pennsylvania.

We spent 2021 conducting research and learning more from residents of Southwest Philadelphia, distributing surveys, and holding community meetings. **We are still gathering more information about how auto-related businesses affect the lives of Southwest Philadelphians.** If you live near a Southwest Philadelphia auto body shop, or know someone who does, scan the QR code to take our online survey and learn more, or visit pubintl.org/auto-body-shops/.

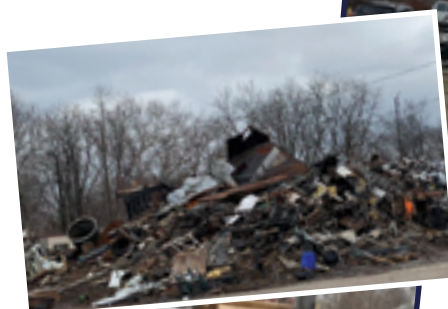


Scan this QR code

to take our survey for neighbors of auto body shops and scrapyards.



Auto body shops and scrapyards are concentrated in working class Black residential neighborhoods in Southwest Philadelphia.



On November 9, 2021, a large scrapyard fire broke out in Southwest Philadelphia. Source: 6abc screenshots



If you don't trust the air you breathe, keep reading

In a December 9 WHYY op-ed co-written with Philadelphia City Councilmember Katherine Gilmore Richardson, our environmental justice advocate Ebony Griffin detailed the effects of environmental racism on community health in Philadelphia. This year, the city launched the Environmental Justice Advisory Commission, an independent and appointed body of residents, to assist the city in identifying environmental justice issues and recommending policy solutions. Griffin is a founding member.



▶ Ebony Griffin received a citation from Philadelphia Mayor Jim Kenney in recognition of her role in creating the Environmental Justice Advisory Commission.



"In Philadelphia today, your zip code determines your life expectancy. Neighborhoods just one mile apart can see average life expectancies that differ by twenty years. And this was before COVID-19."

– Councilmember Katherine Gilmore Richardson & Ebony Griffin, "If you don't trust the air you breathe, keep reading," WHYY, Dec. 9, 2021.

Protecting threatened green space

Thousands of vacant lots in Philadelphia are encumbered by privately owned tax liens, held by U.S. Bank after a 1997 sale by the City of Philadelphia. It is nearly impossible for homeowners and community groups, like gardens, to take ownership of vacant lots that have these liens. Our environmental justice advocate, Ebony Griffin, published an op-ed with the *Philadelphia Inquirer* proposing solutions to this legal quagmire faced by many community gardens in Philadelphia.



▶ Ebony Griffin (right) with Law Center staff attorney Mary Beth Schluckebier at a 2019 event.



"In the neighborhoods that need it most, Philadelphia should not allow green space to be sold out from under those who have maintained it for years."

– Ebony Griffin, "To protect green space threatened by U.S. Bank liens, immediate action must be taken," *Philadelphia Inquirer*, Oct. 11, 2021

Ebony Griffin, who led our work in environmental justice for nearly five years as a staff attorney and advocate, recently left the Law Center to become Senior Legislative Counsel at Earthjustice in Washington, D.C. All of us wish her the best of luck and success in her new role!



▶ Ebony Griffin (center) with clients from New Jerusalem in their garden.

TAKING ON

SOURCE-OF-INCOME DISCRIMINATION

Housing Choice Vouchers, often referred to as “Section 8” vouchers, are housing subsidies that help low-income families navigate the increasingly expensive private rental market by covering substantial portions of rent. However, here in Philadelphia, many landlords categorically reject tenants who use housing assistance—especially landlords in more affluent neighborhoods.

Even though this practice is widespread, it is illegal in Philadelphia. The City’s Fair Practices Ordinance, which forbids discrimination in housing, employment, and public accommodations, explicitly bars landlords from refusing to rent based on “any lawful source of income, [including]...housing assistance programs.”

Since 2019, the Law Center has taken action against source of income discrimination, standing up for tenants. We sat down with staff attorney Sari Bernstein to talk about this work and what it means for affordable and fair housing in Philadelphia.



Sari Bernstein
Staff Attorney

What is source-of-income discrimination?

In plain terms, the local Fair Practices Ordinance makes it illegal for a property owner or its agent to discriminate against a prospective or current tenant based on their source of income, with which they plan to pay their rent. That could be anything from Housing Choice Vouchers, which are commonly known as “Section 8” vouchers, to other housing subsidies, to Social Security Disability Income, child support, and the like.

Is the local Fair Practices Ordinance the only legal basis for litigating a source of income discrimination claim?

Source of income discrimination can also implicate the Fair Housing Act, which prohibits

discrimination in housing against specific classes of people. That claim can take one of two forms. One form is disparate treatment, meaning that you can show that the property owner or its agent intentionally discriminated against someone on the basis of a protected class. So, let’s say someone with a disability has a specific kind of voucher that’s related to their disability. If a landlord says, “I am aware of your disability and I’m not willing to rent to you because of your specific disability-related voucher,” that’s a source of income violation. However, depending on the facts, it may also be intentional discrimination because the person is disabled, which is a protected class under the Fair Housing Amendments Act.

The other form that a Fair Housing Act claim can take is disparate impact, meaning that the intentional discrimination is only related to source of income (not a protected class), but as a result of that discrimination, there is a disparate impact on one of the Fair Housing Act’s protected classes. In Philadelphia, race is a protected class that has strong ties to source of income discrimination because about 83% of Housing Choice Voucher holders are non-Hispanic Black, whereas the general Philadelphia renter population is about 45% non-Hispanic Black.

In 2019, we represented two tenants with housing choice vouchers who were turned away in their housing search, filing complaints against five Philadelphia landlords and property management companies with the Philadelphia Commission on Human Relations for discrimination based on source of income. The Commission is responsible for enforcing Philadelphia’s Fair Practices Ordinance. At press time, one case has been dismissed and another is ongoing.

What kinds of cases has the Law Center brought recently to enforce these rights?

In 2021, we worked with a community-based healthcare organization and some of their clients, all of whom had mobility-related disabilities, received the same disability-related housing subsidy and lived in the same accessible building. Then, the landlord essentially said, “I no longer want to accept this disability-related subsidy so I won’t be renewing any of your leases.” This implicated both the Fair Housing Act and the local source of income discrimination protection.

Representing the first tenant who would face non-renewal of his lease, we wrote to the landlord outlining our client’s claims of discrimination and asking that the landlord renew our client’s lease. Ultimately, the landlord changed course and our client was able to stay in his home. We also continued to monitor the situation for other similarly-situated tenants. While we did not end up needing to file a case, it was a great outcome for our client, and we believe, an important educational opportunity for this particular large Philadelphia landlord.

Why is the issue of source of income discrimination important in general and in Philadelphia specifically?

Philadelphia is the poorest big city in the United States and faces increased homelessness as rental prices continue to go up. You’re trying to get people out of homelessness through, for example, emergency housing vouchers [Housing Choice Vouchers given to people who are currently homeless. This program was expanded using COVID-19 emergency aid, and more than 850 vouchers were distributed in Philadelphia last year]. Some of these people have disabilities—some physical, some mental, sometimes both. And either themselves or working with a housing support services provider, they’re calling around to available rental advertisements and hearing back, “We don’t take vouchers, we don’t take vouchers.” So, we have more housing choice vouchers in Philadelphia, which is fantastic, but folks struggle to use these vouchers to find safe and affordable permanent housing.

Then, you have the issue of project-based affordable housing contracts expiring. This is when a private landlord contracts with HUD [the U.S.

Department of Housing and Urban Development] to provide project-based affordable units tied to the building, [rather than] portable housing vouchers tied to tenants. These contracts can last for decades. Eventually, the contract with HUD expires, and rather than renew, the landlord decides to sell the property. The tenants [who will be displaced from the community where they’ve lived for decades] likely receive portable vouchers, rather than ongoing subsidies that are tied to the building. But how useful will the portable voucher be if Philadelphia’s source of income discrimination ordinance is blatantly ignored?

There are approximately 1,700 affordable project-based units that are up for expiration within the next five years [in Philadelphia].

Finally, one of the purposes of the housing choice voucher program is to contribute to the desegregation of cities, so that folks can live in neighborhoods that they otherwise couldn’t afford without the subsidy. That simply is not happening if landlords don’t follow the law.

What is it like for tenants with housing vouchers who are trying to find housing?

It’s extremely demeaning and demoralizing to call around, to look online, to see that an apartment is available, only to hear back “Sorry, I don’t take vouchers.” Sometimes, a tenant pays a fee to get in the door to apply for an apartment, just to find out that their application won’t even be considered.

A lot of times, tenants don’t know this [is illegal] and that they can file a complaint with the Philadelphia Commission on Human Relations. But, even if they do [know they] have the protection, and how to file a complaint, I think the reality for homeless individuals and many low-income tenants is that, if you’re looking for another place to live, most likely, your family is in a place of severe stress—if not total crisis. This is one of the reasons that we’ve been focused on working with organizations and housing support services providers to find ways to strengthen the law without it completely being shouldered by individual tenants/clients.



67% of Philadelphia landlords refuse to accept vouchers, according to a 2018 Urban Institute study.

LEADING THE WAY FOR VOTING RIGHTS



The Law Center has become a leader in the fight for fair voting districts in Pennsylvania. That fight continues, and we're standing up to a new wave of threats to the right to vote in free and equal elections. We sat down with two attorneys leading the charge—legal director Mimi McKenzie and staff attorney Ben Geffen.

Following the release of data from the U.S. Census, the Legislative Reapportionment Commission—a five-member body with two representatives from each party's leadership and a non-partisan chair—got to work drawing new state legislative districts for Pennsylvania.



Ben Geffen
Staff Attorney

Ben: The Legislative Reapportionment Commission (LRC) really valued all of the broad range of input that it got from members of the public, who either testified at hearings or submitted written comments. And that is reflected in the final plan for the state senate and state house districts that it drew.

The report that the chair [Mark Nordenberg, Dean of University of Pittsburgh's Institute of Politics] issued alongside the final plan goes through, in some detail, various considerations that the LRC made in light of input it got from members of the public. This is all in major contrast to what happened 10 years earlier, when redistricting was a much more insider topic, when gerrymandering was a word most people had never even heard before, and when only people who paid really close attention to politics or election law understood why this even mattered. That has changed a lot in 10 years, and for a number of reasons. One of them is all of the organizing and outreach done by groups like Fair Districts PA. Another is the litigation the Law Center and others have done that has put both state legislative and congressional districts in the news over and over. As a result there's been a lot more public engagement with the process, and it hasn't happened anymore in a smoke-filled room.

**This work is supported by the
Jeffrey Golan & Frances Vilella-Vélez
Voting Justice Project**



Mimi McKenzie
Legal Director

Mimi: I agree, and you really saw that difference when, for example, it came time for congressional redistricting for 2022, and all the different parties and interveners submitted proposed maps. The maps weren't all perfect by any stretch, but the maps were so much better than the 2011

map. That was one of the worst gerrymanders in Pennsylvania history, if not the worst. Even the worst map produced in 2021 or 2022, it's fair to say, was significantly better than the 2011. The partisan gerrymander challenge that the Law Center filed in 2017 really paved the way for better maps. That said, there is still very much a need for an organization like the Law Center to be paying attention to the process and to be involved in this type of litigation when needed. There are still aspects of mapmaking that are troubling – map makers focused on the wrong priorities, maps that favor the politicians, or are drawn to support politicians as opposed to providing fair representation for voters.

This cycle, the LRC made an important step to curtail prison gerrymandering, the practice of counting incarcerated individuals in their prison cells rather than their home addresses. For decades, prison gerrymandering has warped representation in Harrisburg by giving an unfair population boost to districts where state prisons are located. These districts are predominantly rural and white, while Pennsylvania prisoners are disproportionately Black, Latino, and from urban communities. We have supported this change over years of public and behind-the-scenes advocacy.

Ben: In 2021, the LRC voted 3-2 to adjust prisoner addresses for redistricting purposes for the first time, which was a big victory. And then in 2022, we had to defend that in court because the House Majority Leader challenged the LRC maps, in part on the basis of this address adjustment, and we filed a brief on behalf of the NAACP Pennsylvania State Conference and two formerly incarcerated people defending that. The Pennsylvania Supreme Court affirmed the new maps [in a decision released on February 23].

We now are proceeding with an election on maps drawn with State Correctional Institution prisoners reassigned to their home addresses for the first time. That's an important victory. It's obviously not a fight that's all the way finished. The congressional districts were not drawn with that adjustment and, in addition, even the LRC maps didn't adjust for all prisoners. For example, people in federal or county custody were not included in those adjustments. So part of the fight looking toward the next redistricting cycle is going to be to get the Census Bureau to redefine how it treats the residences of incarcerated people. And by fixing it in the Census, that will resolve this problem nationwide in one fell swoop.

Mimi: The Law Center takes these issues, these problems, and we stick with them. We're here for the long haul. Sometimes in order to fix these problems, we have to chip away at them. Here we were behind the scenes making sure that the data [on prisoner home addresses] was actually being collected, so that this was even something that could be done at a practical level. We pushed the legal arguments and we saw significant movement this last go around, and we're still going to be working on this issue through the next census.

When Act 77 was signed into law on November 4, 2019, the bipartisan election reform bill created an option for no-excuse-needed mail-in voting for the first time in Pennsylvania. The Law Center spent the 2020 election and its aftermath protecting voting rights, including the right to vote by mail.

On January 28, 2022, the Commonwealth Court, responding to a lawsuit filed by many of the same Republican lawmakers who had passed the law just two years before, ruled that Act 77 was unconstitutional. The Commonwealth of Pennsylvania appealed the decision, and we filed an amicus brief supporting the appeal. We represented Pennsylvania voters who rely on mail-in voting and Disability Rights Pennsylvania.

Ben: In 2020, the new opportunity to vote by mail was a welcome option during the darkest days of the pandemic. And once we had that opportunity, many of us appreciated the convenience of getting to vote by mail, and have continued to do so in 2021, and plan to keep doing so in 2022 and beyond. But there are other voters for whom it's not just a convenience or a COVID precaution, but for whom it really makes the difference between getting to vote or not getting to vote.

Cindy Jennings and her son Matthew are two of our clients in this brief. Matthew uses a wheelchair for mobility and an electronic device to communicate, and has recently been diagnosed with cancer. His mother, Cindy, is his sole caregiver. Though Matthew may have qualified for an absentee ballot under pre-Act 77 rules, his mother, as a caregiver, would not, and she is unable to leave Matthew alone. Elimination of a no excuse mail-in voting option would likely disenfranchise them both.



Ben: For people like Matthew Jennings, maybe it was theoretically possible to show up in person to vote, but it was a very difficult and uncertain prospect. Voting by mail relieved all of those problems for Matthew Jennings and lots of other voters in his circumstances, and then for a lot of other voters it relieved other kinds of problems.

So for Molly Mahon, our amicus client who works as a NICU nurse, it meant that she didn't have to worry about whether she'd be able to vote on a day when she had a long shift—whether she'd be able to race from the NICU, change out of her scrubs, jump in an Uber, hope there was no traffic, and get to her polling place by 7:59 PM. That worrying and that uncertainty was eliminated by having the option to vote by mail.

Mimi: Voting by mail became so highly politicized in the 2020 presidential election. Once the former president decided to make it an issue about fraud, then they were off to the races with trying to come up with all of these ways to prevent people from voting by mail—when the facts are, and there's no dispute about this, there is almost no evidence of fraud when it comes to voting by mail. Lots of states have had voting by mail for a very long time and it is safe, it's convenient and in some cases the only way to protect the franchise.

Fighting for Fair Districts and State Constitutions

The congressional redistricting process reached an impasse when the Republican-led Pennsylvania General Assembly and Democratic Governor Tom Wolf could not agree on a map. Voters filed two consolidated cases calling on the state courts to ensure that a congressional redistricting plan would be adopted in time for the May 17, 2022 primary election.

We participated in the case, representing a group of Pennsylvania voters with a long history of advocacy for fair districts, including Common Cause Pennsylvania Executive Director Khalif Ali, active members of the League of Women Voters of Pennsylvania, and advocates from Fair Districts PA.

Together with co-counsel from Dechert LLP, we filed an application to intervene as parties in the case on New Year's Eve in 2021. We were allowed to participate as *amici*—including filing our own proposed redistricting map.

When the Supreme Court of Pennsylvania heard oral argument in February 2022, Law Center staff attorney Ben Geffen focused his argument on refuting an insidious legal idea, gaining traction nationwide, that could deeply undermine vital oversight of elections: the “independent state legislature” theory.

This theory contends that state legislatures *alone* have nearly unfettered power to determine how congressional elections should be conducted, without being subject to the review of state courts interpreting state constitutions, or checks and balances from governors. Decades of legal precedent, including several U.S. Supreme Court cases, have flatly rejected this narrow interpretation of the U.S. Constitution, holding that the *entire lawmaking process* in states has a role to play in determining election law.

The Commonwealth Court nonetheless endorsed the “independent state legislature” theory and held that the map submitted by Republican leaders of the General Assembly must be chosen, even though the governor had vetoed it. But in the Supreme Court of Pennsylvania, our argument won the day, as the Court agreed with us that the governor and the state judiciary are coequals of the General Assembly in the congressional redistricting process.

In the end, the Court did not select our map, but one proposed by a group of voters called the Carter plaintiffs. Their map took a “least-change” approach, aiming to hew closely to Pennsylvania’s previous congressional district map, which was adopted in 2018 thanks to the Law Center’s successful challenge to the highly gerrymandered 2011 congressional map.



Our clients' proposed congressional map



Pennsylvania's 2022 congressional district map

Standing Up for Gun Safety in Philadelphia

In 2021, more than 2,300 people were shot in Philadelphia, including 213 children. 498 people were shot and killed. Gun violence is the leading cause of death for Black men and youth in Philadelphia between the ages of 15 and 34. Residents of Philadelphia's poorest neighborhoods are 25 times more likely to be the victim of a fatal shooting than their neighbors in wealthier sections of the city.

This public health and civil rights crisis requires a multifaceted response—including legal tools to keep guns off the street and save lives. In 2021, the Law Center took action against gun violence in two cases.

This work is supported by the Richard Berkman & Toni Seidl Health Care Justice Project



Taking the handcuffs off local governments: Challenging firearm preemption

Pennsylvania's little-known Firearm Preemption Law ties the hands of local governments by barring cities from enacting most local gun safety measures. At the same time, legislative leaders in Harrisburg refuse to take statewide action. In October 2020, we joined the City of Philadelphia in a lawsuit challenging the constitutionality of firearm preemption laws, taking the General Assembly to court. Joined by pro bono co-counsel from Hogan Lovells, we represented CeaseFirePA and residents of Philadelphia and Pittsburgh who have lost family members to gun violence.

We argue that by blocking local action against gun violence while refusing to take statewide action, the General Assembly and the Commonwealth of Pennsylvania have violated the state constitutional right to life and liberty for Pennsylvanians who live under the daily threat of gun violence. On June 9, 2021, we appeared in Commonwealth Court for oral argument, led by Alex Bowerman of Hogan Lovells, defending our case against an attempt by legislative leaders to dismiss it. We await a ruling in the case.

Our client Kimberly Burrell in a video interview shown during our 2020 virtual annual celebration, Advancing Justice Together.



Defending common sense: Supporting Philadelphia's lost and stolen gun law

In 2019, Philadelphia began enforcing an ordinance requiring gun owners to report lost or stolen guns within 24 hours, a common-sense measure that would help curtail straw purchases. After the defendant in the first enforcement case—a convicted straw purchaser, represented by gun lobby attorneys—attempted to block the City from enforcing the law, we stepped in. Our clients—two mothers who lost sons to gun violence, CeaseFirePA, the Philadelphia Anti-Drug/Anti-Violence Network, and Mothers in Charge—intervened to support Philadelphia's right to enforce the ordinance, which we believe is legal even under Pennsylvania's current preemption statute. We were joined by pro-bono co-counsel from Saul Ewing. On November 15, 2021, we went to Harrisburg for oral argument in Commonwealth Court.

In a disappointing decision on February 14, 2022, the Court ruled that Pennsylvania's preemption law barred Philadelphia's lost and stolen gun law. In a concurrence, Judge Leadbetter wrote that it is not "consistent with simple humanity to deny basic safety regulations to citizens who desperately need them," and urged the Pennsylvania Supreme Court to reconsider the standard that almost all local gun laws are barred by state statute. We have joined the City of Philadelphia in asking the Pennsylvania Supreme Court to hear an appeal.

RENTERS STANDING TOGETHER IN 2021

A victory for accessible housing

January 2021: The right to city

RUP hosted a virtual rally as part of the "Housing is the Cure" day of action on January 13, 2021.



20

Spring 2021: Meeting new members

In Spring 2021, as the weather permitted outdoor work and vaccination rates increased, Renters United Philadelphia (RUP) hosted an organizing drive. Ariel Morales, Mary Beth Schluckebier, and RUP members gathered outside MCM Management Solution buildings in Germantown to speak with building residents and learn more about the issues they were facing as tenants. They also hosted a barbecue, where old and new members had a chance to mingle and learn more about the organization.

Due to the COVID-19 pandemic, staff had not canvassed or spent time in-person at buildings with tenants since March 2020. This was a big step for RUP, and helped to re-energize the organization coming out of a difficult virtual pandemic year. RUP staff and members set a goal of connecting with 80 new tenants—and they achieved it.



The RUP spring barbecue



Organizer Ariel Morales (left) and RUP members prepare to canvass in Spring 2021.

October 2021: Holding the landlord accountable

In October of 2021, Ariel Morales, Mary Beth Schluckebier, temporary organizer Maria Thomson, and ten RUP members took a bus from Philadelphia to Valley National Bank in New Brunswick, New Jersey, which holds the mortgages of MCM Management Solutions' 30-plus properties in Philadelphia. A RUP member led a delegation and delivered demands to the bank to alert them to the conditions tenants were facing in MCM's properties. They made the bank aware that tenants were living with infestations, collapsing floors, exterior security doors that often failed to lock, and other conditions that seriously compromised their safety and well-being.

By delivering these demands to the bank, RUP successfully pressured MCM to respond to tenants' needs. In the weeks following the action, tenants began to notice positive results. "We heard reports of more inspections, doors getting fixed, and exterminations," Ariel Morales said. "There are more issues that need to be addressed, but this was a significant victory."

RUP holds Renters Rights Clinics monthly, where renters have an opportunity to learn more about their rights, share their knowledge and experiences with other renters, and participate in a political education presentation. Renters can also meet with an attorney or law student for a pro bono consultation.



RUP members after delivering a letter to Valley National Bank.

RUP members speaking with Valley National Bank representatives.



Taking on Employment Discrimination: Long v. SEPTA

Workers and job applicants with criminal histories—like one in three adults in Pennsylvania—should not face barriers to economic stability as a result of hiring discrimination that continues for years or decades after their arrest or incarceration. Frank Long, a 55-year-old Philadelphian and a commercially licensed bus driver, received a job offer from SEPTA in 2014. After reviewing a criminal background check, SEPTA rescinded the offer based on a drug-related conviction from 1997. At the time, SEPTA, the sixth-largest transportation authority in the country, consistently rejected job applicants based on unrelated criminal history.

Returning citizens face a staggering 27 percent unemployment rate nationwide. One survey of employers found that more than 60 percent would probably not hire an applicant with any criminal history at all. Black and Latino communities, which already face the disproportionate burden of mass incarceration, are particularly hard hit by this type of employment discrimination.

Mr. Long joined our federal class action lawsuit against SEPTA in 2016 as a representative of all applicants with criminal records whom SEPTA wrongfully rejected.

The lawsuit alleged that SEPTA failed to comply with the federal Fair Credit Reporting Act by not providing job applicants with a “clear and conspicuous” written disclosure that it may obtain background checks for employment purposes. It also accused SEPTA of violating Pennsylvania’s Criminal History Record Information Act, which restricts employers from considering criminal history that is irrelevant to a job. SEPTA would disqualify applicants with old, nonviolent drug convictions from employment in positions involving the operation of SEPTA vehicles.

With co-counsel from Outten & Golden, the Lawyers Committee for Civil Rights Under Law, and Willig, Williams & Davidson, we steered the case through the courts for more than five years. In 2018, the Third Circuit Court of Appeals reversed an early dismissal by the district court and held that the federal right to review and respond to background check reports can be enforced by people whose rights are violated. The case went back to district court for further proceedings. In August 2019, we filed a second amended class action complaint. On January 29, 2021, the *Philadelphia Inquirer* reported that the case had reached a tentative settlement agreement.

“SEPTA has struck a deal to lift a ‘blanket ban’ barring qualified applicants from employment at the authority because of past drug convictions as part of a proposed \$3.6 million class-action settlement reached in a years-long discrimination case, according to court records,” Patricia Madej reported. “In addition to financial compensation, the proposed settlement ‘mandates that SEPTA will not institute (or reinstitute) an absolute bar to employment for any felony or misdemeanor conviction, unless required by law.’ SEPTA is also supposed to have a consultant to advise in hiring practices and establish priority hiring for those discriminated against based on their criminal record.”

The Philadelphia Inquirer
As part of proposed \$3.6M settlement, SEPTA must lift ‘blanket ban’ on applicants with past drug convictions

SEPTA is also directed to add a consultant to advise in hiring practices and establish priority hiring for those discriminated against based on their criminal history, according to the settlement.



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▲ O'Melveny attorney Katrina Robson addressing the legal team for petitioners in the school funding trial following opening statements.

▲ From left to right: O'Melveny attorneys Chris Burke, Harry Liberman, Eli Grossman, and Law Center staff attorney Claudia De Palma working during the school funding trial.



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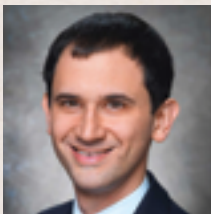
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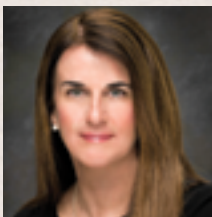
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From left to right: Dena Driscoll, Claudia De Palma, Michael Churchill, Dan Urevick-Ackelsberg, and Brenda Marrero in Harrisburg on the final day of witness testimony in the school funding trial

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Our 2021 Annual Celebration

On October 21, 2021, we welcomed more than 200 of our supporters and friends to our 2021 Annual Celebration, The Promise of Equity and Justice, at Vie on Broad Street in Philadelphia.

At our first in-person event since February 2020, we honored Jennifer Clarke, our Executive Director from 2006 to early 2021, with the 2021 Thaddeus Stevens Award. Clarke's 15 year tenure was marked by landmark litigation achievements, expansion and increased diversity of the board and staff, and groundbreaking contributions to the cause of civil rights and equity in Philadelphia and Pennsylvania.



Our former Executive Director Jennifer Clarke accepting the 2021 Thaddeus Stevens Award.



Dancers from Philadanco performed to open the celebration.



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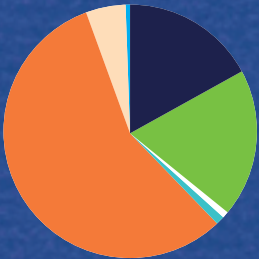
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January 1, 2021–December 31, 2021.
Figures from draft audited financial report, subject to pending Board of Directors approval.

SUMMARY OF REVENUE & EXPENSES*

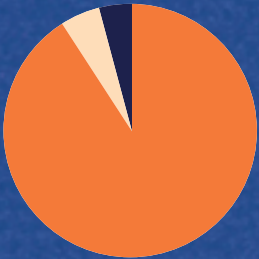
REVENUE

Grants & Contributions	\$1,094,482	
Legal Community & Other Support	\$1,192,958	
In-Kind Legal Services	\$3,612,164	
Fee Awards	\$63,715	
Contracts & Honorarium	\$74,290	
Investment Income	\$321,011	
Other Revenue	\$22,721	
Total Revenue	\$6,381,141	



EXPENSES

Program Services	\$5,392,627	
General & Administrative	\$294,340	
Fundraising	\$237,486	
Total Expenses	\$5,924,453	



STATEMENT OF FINANCIAL POSITION

Current Assets	\$1,535,230
Other Assets	\$3,574,009
Property & equipment (net of depreciation)	\$25,414
Total Assets	\$5,109,239
Current Liabilities	\$400,021
Prior Year Net Assets	\$4,801,262
Current Year Change	\$456,888
Total Liabilities and Net Assets	\$5,109,239
Unrestricted Net Assets	\$3,415,392



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