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Sent Via Email to Mark.Dodds@phila.gov

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Elizabeth Hersh, Director
Philadelphia Office of Homeless Services
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RE: Comments on Philadelphia Assessment of Fair Housing 2022 Draft

Dear Ms. Long, Mr. Flood and Ms. Hersh:

We are members of Renters United Philadelphia, an organization that educates and organizes tenants to take collective action to fight for renter rights to quality housing. We are an organization of majority Black working class renters in primarily the Frankford and Germantown sections of the City who share several large¹ corporate landlords. Renters United Philadelphia is part of the Public Interest Law Center. We are writing to submit our comments on the City of Philadelphia's and Philadelphia Housing Authority's Draft Assessment of Fair Housing for 2022 ("AFH"). As Philadelphia renters living in substandard housing, we write specifically to share our comments on housing quality, especially in light of what we view as the absence of sufficient impacted community feedback.

We appreciate the City's efforts, and specifically DHCD Staffs' efforts, to develop an overview of housing conditions in Philadelphia and outline a roadmap via the five-year goals for furthering fair housing rights for Philadelphians. In particular, we note the AFH's focus on documenting the ways in which protected classes under the Fair Housing Act have unequal access to quality housing choices and neighborhood opportunity, as well as the barriers preventing such access. We live that reality every day. Speaking from our collective personal experiences, we offer below some comments on the AFH and proposed goals and activities.

¹ We define "large corporate landlord" as business corporations owning several hundred units in Philadelphia.

I. Community Participation Process

We are concerned that not enough members of communities in Philadelphia most impacted by the fair housing issues highlighted in the AFH had an opportunity to offer input. As a result, the full nature and extent of housing segregation, disparities in opportunities, lack of housing quality and the dearth of affordable housing are not fully captured.

As noted in the AFH, “the demographics of survey respondents differed somewhat from characteristics of all household heads in Philadelphia; respondents were somewhat more likely to be White, to own their home, and to have a higher level of educational attainment than demographic data from the American Community Survey (ACS) would suggest.”² While these may be “common types of over-representative responses in public opinion surveys,”³ and you adjusted with statistical weights, we know that communities of color and particularly renters like us most frequently face issues with housing quality.

In total, the AFH is informed by 5,604 survey responses returned by both renters and homeowners. While the results reveal substantial disparities across various groups of residents protected under fair housing law, we would suggest these disparities are even greater than the AFH reflects. We recommend that the City utilize other surveys and reports, like the recently released *Trends and Challenges in the Philadelphia Rental Market Report*,⁴ where the un-weighted 6,000+ survey sample is representative of the group most impacted by fair housing issues—low-income renters in Philadelphia. The *Trends and Challenges Report* reflects the prevalence of many of our own experiences: struggling with thousands of dollars of rent arrears; unaffordable rent increases; eviction records that make finding housing difficult; illegal lockouts; and substandard housing conditions.

II. Housing Quality

The AFH notes that two-thirds of survey respondents said they had experienced at least one housing issue related to stability or quality. Every one of us in Renters United Philadelphia are facing housing quality issues. We report repair needs to our landlords and to L&I, but often face unresponsiveness and/or shoddy band aid repairs. Housing quality issues persist as the number one concern for our members and range from pest infestations to structural issues to lack of winterization that leads to heating and cooling issues.

In 2020, we went door-to-door and surveyed tenants in a large 60-unit apartment building in Frankford to ascertain housing quality conditions. 100% of survey respondents had pest problems (31% bed bugs, 73% mice, and 91% roaches); 65% had broken windows; 76% reported that the broken elevator in the four-story building was a significant issue for them; and 58% reported structural issues in the hallways and stairs. We took matters into our own hands, came together as members of Renters United Philadelphia, and organized to pressure the landlord to

² AFH 2022 Draft, p. 3.

³ *Id.*

⁴ Community Legal Services & The Housing Initiative at Penn, *Trends and Challenges in the Philadelphia Rental Market* (June 2022), available at https://clsphila.org/wp-content/uploads/2022/06/CLS_Report_6-14_Small-1.pdf

address some of these issues, winning desperately needed quarterly exterminations, upgrades to the hallways and stairs, a new security system and new laundry room.

Of the eight goals named in the Fair Housing Plan section of the AFH, we noticed that none specifically addresses housing quality. Goal number three—“Preserve affordable rental housing”—includes an activity that calls for the City to provide landlords with tools to improve the quality, health and safety of housing. While this is an important strategy, we note that the AFH does not mention L&I anywhere within the goals or activities or in the Fair Housing Plan section at large. This feels like a significant oversight to us.

L&I is responsible for inspecting housing quality issues and potential code violations in rental units throughout the City. Our members report issues via 311 and the app to L&I regularly, but do not consistently receive a response or inspection. When inspections are scheduled, most of our members are unable to take off from work to accommodate a mid-day appointment. This unresponsiveness and inaccessibility is likely connected to L&I losing a third of its inspector force between mid-2019 and the start of 2022.⁵ The shortage has led to a lack of capacity that is crippling L&I and endangering Philadelphians. In L&I’s 2019-2021 Strategic Plan, the Department notes that Philadelphia’s story is often described as a tale of two cities. We live in the Philadelphia that is “deteriorate[ing] due to lack of capital, lack of maintenance, and an aging building stock.”

Unlike in other similarly situated cities, Philadelphia has no program for regularly inspecting rental properties. Reactive inspections in response to formal complaints (and in our experience, sometimes not even then) result in only about 7% of the City’s rental units being inspected each year.⁶ In a City with an aging housing stock, we need regular affirmative inspections to ensure that necessary repairs are made consistently in order to avoid the unacceptable situations where tenants are displaced due to landlords’ failure to maintain their properties. We need enforcement to ensure code compliance *without displacement*. And we need accessibility and flexibility that meets the needs of working renters. This means we need smart City strategies that both address improvements to housing quality and prevent displacement of tenants. The AFH seems like a good place to start.

To this end, we request that you consider adding an activity under the third goal that involves L&I. We suggest an activity that aims to provide L&I with the resources necessary to meaningfully enforce the Property Maintenance Code in rental properties in order to ensure housing quality and combat displacement.

⁵ William Bender & Ryan Briggs, “A third of Philly’s building inspectors have quit since 2019. Critics say that threatens public safety.”, THE PHILADELPHIA INQUIRER (May 26, 2022), available at <https://www.inquirer.com/news/philadelphia-building-safety-staffing-shortages-inspections-20220526.html#:~:text=L%26I%20has%20lost%20nearly%20a%20third%20of%20its,also%20leaving%20faster%20than%20they%20can%20be%20replaced>

⁶ Pew, *Rental Code Enforcement in Philadelphia: How it works, and what other cities are doing* (November 18, 2021) available at <https://www.pewtrusts.org/en/research-and-analysis/reports/2021/11/rental-code-enforcement-in-philadelphia>

We are parents and grandparents, frontline staff, and essential workers. Many of us have had to live for years with shoddy repairs, pest infestations, broken elevators and non-working utilities. As working class tenants in Philadelphia, we are used to substandard housing—but we should not have to be. We appreciate the intent and spirit of the AFH and your work on this process. We work hard to earn a living and take care of our families and communities, and we believe that quality, safe and healthy housing is a right we all share. We are prepared to do our part to make the goals in the AFH a reality.

Sincerely,

Renters United Philadelphia