



**LEGISLATIVE &
REGULATORY UPDATE
QUARTER 4**

PHILADELPHIA FALL SESSION

The Philadelphia City Council returned on Thursday, September 5th after its 12-week summer recess. The Council will recess on December 12th for its winter break.

Several policy issues, such as housing and taxation, have been debated during this legislative session. However, the proposed Sixers arena in Market East is undoubtedly the most controversial and hotly debated issue.

Philadelphia Commercial Trash Fee

- For an annual service fee of \$500, the City of Philadelphia collects trash from commercial, multi-residential, or mixed-use properties if the property meets certain criteria. Property owners may pay this fee in two installments without interest or penalties. The first installment of \$250 is due by December 31 of each year. The second installment is due by June 30 of each year.
- Certain exemptions are applicable if it meets any of the following criteria:
 - **House of Worship** - The property must be used for religious purposes only.
 - **Owner Occupied** - The property must be 100% occupied by the owner with no tenants. Only residential properties are eligible for this exemption type.
 - **Owner-Occupied Duplex** - The owner must live in one unit and have only one other rental unit in the property. You must provide a current rental license from the Department of Licenses & Inspection.
 - **Private Hauler** - You must provide a copy of your current service agreement with a licensed trash hauler. You must pay this fee unless you already use and have an active contract with a private hauler.
 - **Vacant Property** - You must provide a current Vacant Property license from the Department of Licenses & Inspection.
- Email: sanitation@phila.gov

Bill 240245 - Permanent Eviction Diversion Program

- **Summary:** PAA participated by providing testimony opposing the legislation on May 22nd. The legislation was supported by 13 members of the Council. Since that time, Councilmember Brooks has convened Diversion Working Groups to discuss the improvements they would like to see in the diversion program, and what they would like to get out of this ongoing improvement process.
 - The tentative dates are Tuesday, September 10th, and 17th.
- **Recommendations:**
 - Creating a program that only applies to tenants who qualify for assistance and participate due to a non-payment of rent issue, while allowing for a 7-day prescreening period to determine whether the tenant qualifies for financial assistance.
 - Amending the program to allow landlords to receive funding through Targeted Financial Assistance Program (TFA) faster and providing landlords the two months payment upfront.
 - Amending the program to provide landlords the ability to waive an payment beyond \$3,500.
 - Examine the timeline of getting to court post mediation if a resolution is breached.

Bill 240018 - Angel Davis Eviction Accountability Act (“Landlord Tenant Officer”)

- **Summary:** The bill requires, “a deputized contractor(s) to obtain a license from the city by paying a \$500 fee and completing a 189-hour basic training course with an emphasis on use-of-force course requirements for sworn law enforcement officials who typically conduct evictions.”
- Philadelphia Municipal Court: Effective Monday, August 12, 2024, the Landlord Tenant Officer (“LTO”) will no longer be accepting new writs of possession. Following that date, all writs will be directed to the Philadelphia Sheriff’s Office. Beginning Tuesday, August 13, 2024, the LTO will accept alias writs of possession on matters where the writs of possession had previously been filed with the LTO and paid for until the close of business Monday, September 9, 2024. After Monday, September 9, 2024, if a writ has already been filed with the LTO and no alias writ is filed, litigants will be required to re-start the process with the Sheriff's Office. I strongly recommend that you file all new writs with the Philadelphia Sheriff’s Office effective immediately.

01 Property Assessment

02 **Bill [240660](#) introduced by Councilmember Gauthier** **Bill [240663](#) introduced by Councilmember Landau**

The new property tax assessments that most property owners received this summer were also on Council's radar today.

Councilmember Gauthier introduced legislation that would give homeowners additional time to file for their homestead exemption, which Council raised last spring from \$80,000 to \$100,000. Council is clearly concerned about the timing and number of homeowners appeals likely to result from the reassessment, with Council President Johnson introducing a measure to create a process that would provide homeowners an informal review process of their property assessments.

Councilmember Landau also introduced a resolution urging the Board of Revision of Taxes (BRT) to adopt a policy of accepting all "nunc pro tunc" property assessment appeals filed for Tax Year 2025 by March 31, 2025, due to the delay in mailing of property reassessment notices until August 7, 2024.

01 **Bill 240674 - EV Charging introduced by Councilmember Ahmad**

02 **Status: Introduced on 9/5/24,
Hearing Scheduled for 9/16/24.
Signed by the Mayor on 10/22/24**

03 **Summary:** The legislation requires commercial and residential properties with 10 or more parking spaces built or significantly upgraded after the law takes effect to install and properly maintain EV charging stations, and would require contractors to obtain permits for installations; ensure the equipment is safe, functional, and repaired when necessary; and be certified to complete the work.

Questions:

- What is the burden on landlords to find contractors that have a EVSE designation or certification? Does the city have a database of folks with this certification?
- **Education Component.** What qualifications or elements will L&I be examining to determine Electric Vehicle Infrastructure Training Program (EVITP), or an equivalent program approved by the Department of Licenses & Inspections?
- What if a new owner acquires property and seeks to remove EV charging equipment(s) because it is no relevant or not in use? Will that new owner have to cover those penalties?
- What constitutes significant upgrades and would that trigger EV provisions set forth in this prospective law?

01

**Resolution 240697 - Introduced by
Councilmember Gauthier**

02

Status: Introduced on 09/05/2024

03

Summary:

Authorizing the Committee on Housing, Neighborhood Development, and the Homeless to hold hearings on how setting affordable housing program eligibility according to the metric of regional Area Median Income (AMI) fails to reflect the true state of housing affordability needs of Philadelphians, how this leads to City housing programs not providing enough funding to those who need it most, and how the adoption of a more locally defined AMI can be utilized to create and sustain genuinely affordable housing across the city of Philadelphia.

01 Algorithmic Rental Pricing Fixing

02 Bill [240823](#) introduced by Councilmember O'Rourke

Councilmember O'Rourke introduced legislation that would prohibit all agreements to engage in anti-competitive price coordination with respect to rental housing, including the sale and use of any software that would facilitate price coordination using algorithms. Through our advocacy efforts, we were able to introduce an amendment that would soften the language of the bill making it less consequential. The amendment:

- **Removes language that prohibits or restrict the use of technology on the collection, and analysis of public data.** This is like the San Francisco legislation in that it prohibits the use of non-public competitor information and not public data. Non-public competitor information in a nutshell, is information that is provided by the customer to the service provider that inculcates information about the customer's housing units, actual rent prices, occupancy rates, etc. that will now be prohibited for dissemination to other customers with regards to suggesting rental rates.
- **Clarifies the definition of price coordination to not include:**
 - Providing information for the purpose of establishing rent or income limits in accordance with the affordable housing program guidelines of a governmental entity.
 - Generation or use of any report, study, or presentation that provides existing rental data in an aggregated manner but does not recommend rent prices, fees, or occupancy rates or other rental contract terms for future leases.
 - Providing information for the purpose of conducting market research for project financing or for the purpose of conducting an appraisal.
- **Provides a resident a private right of action to file a lawsuit against the housing provider or charges the Philadelphia Law Department to file a civil lawsuit on behalf of City against the housing provider who violates the law.**
- **Delayed implementation of 90 days after the adoption of the law.**

01 **Bill 241064 - EV Charging & Parking introduced by Councilmember Ahmad**

02 **Status: Introduced on 11/14/24.**

03 **Summary:** The legislation would amend the Philadelphia code to increase requirements for EV chargers by expanding the City's EV charging infrastructure, increasing accessibility, and accelerating the transition to EV. In addition, her proposed legislation applies to any new development with parking lots that support 10 or more vehicles. The Building Industry Association that details the cost burden this will have on the development community and the difference with regards to the provisions of the current code.

Questions:

- Definition of development? I understand the bill applies to new development (both residential and commercial) with parking lots that support 10 or more vehicles; however, what specifically constitutes development? Does that definition include any construction, modification, extension, expansion, or substantial improvement to existing structures? The definition appears to be too broad, and we need clarity from Planning and OTIS.
- In areas designated historic preservation districts, would that also trigger the provisions of this law?
- Currently, HUD provides low-cost financing for EV related projects to housing providers. That funding is covered by the Biden Infrastructure Plan. With a new incoming administration, who knows what will happen with the remaining infrastructure dollars.
- In inclusionary zoning districts or TOD designated areas, will the provisions of this ordinance apply? The goal is to encourage more affordable housing and development along transit corridors, not to deter economic development.

01 **Bill 241062- Philadelphia Chinatown Overlay District introduced by Councilmember Squilla**

02 **Status: Introduced on 11/14/24, Hearing Date: 12/04/24**

03 **Summary:** The legislation would require any housing project of 10 units or more would have to make 10% of the apartments available to people making 60% of area median income (about \$47,000 a year). The zoning bill would also ban smoking lounges, “adult-oriented services,” and assembly and entertainment uses, which means nightclubs. Under the proposed rules, new retail businesses could not exceed 3,000 square feet. The bill also would set a neighborhood building height limit of 65 feet, and no height or density zoning bonuses would be allowed unless a developer provided affordable housing in exchange.



PHILADELPHIA

WHAT'S NEXT?

Housing (\$100 million operating over the FYP)

- Continuing investment in housing through programs like Turn the Key; Restore Repair Renew; and Basic Systems Repair Program (BSRP).
- Mayor's goal of 30,000 units of housing built, repaired, or preserved.

- Housing Production: Ensuring City-supported new housing is "affordable luxury" with high-quality fixtures and finishes.
- Comprehensive review of Land Bank aimed at more quickly returning parcels to productive use.
- \$14 million for rebuilding of University City Townhomes.

- Housing Preservation: Making it easier for residents and landlords to access City-funded home improvement programs through a Single Home Improvement Application (SHIA).
- \$750,000 for tangled title support at the Register of Wills.

- Rental Assistance: \$19 million to support rental assistance programs.
- Access to Homeownership: Institutionalizing Philadelphia Home Appraisal Bias Task Force within City government to help implement its findings.

- Supporting Philadelphia Human Relations Commission (PCHR) to focus educational and enforcement efforts on eliminating home appraisal discrimination.
- On-Time Payments Reporting for Tenants.

HARRISBURG

Executive Order 2024-03

- On September 12, 2024, Governor Shapiro signed an executive order creating Pennsylvania's First Housing Action Plan to address the state's housing shortage, address homelessness, and expand affordable housing options.
- The Executive Order tasks the Department of Community & Economic Development (DCED) with leading the plan's development, working alongside various stakeholders to identify housing needs and devise a strategic response. The Housing Action Plan will guide efforts to expand affordable housing and provide support to the unhoused. It will also ensure a coordinated, multi-agency approach involving state, local, and federal partners, as well as private organizations.
- Under the Governor's Executive Order, the Housing Action Plan will be a data-driven statewide plan with recommendations for increasing housing supply and supporting the preservation of existing housing, including:
 - Assess and determine Commonwealth-wide, and regional, and local housing needs;
 - Identify, review, and assess the effectiveness of housing programs and resources offered by Commonwealth agencies;
 - Provide recommendations for (a) state housing programs, investments, and policymaking initiatives, and (b) leveraging best practices from the public and private sector to improve housing outcomes across the Commonwealth; and
 - Recommend strategic planning initiatives that may be implemented over the next five years.
- Additionally, the Executive Order directs the Department of Human Services (DHS) to develop recommendations on policies and best practices for addressing homelessness and supporting individuals in need by collaborating with stakeholders, including the Governor's Policy and Budget Offices, state agencies, local and federal governments, and community organizations.

Session Dates:

- Senate 9/16 - 9/18.
- Both the House and Senate are in 9/30, 10/1, 10/2, 10/7, 10/8, 10/9, 10/21, 10/22, and 10/23.

Note, 10/23 is the last scheduled session day of the 23-24 legislative session. The members will return to “non-voting” session after the general election for caucus election votes. Session will adjourn officially on Nov. 30. The General Assembly will gavel in the 25-26 session in early January after they elect a speaker. Committee chair appointments will follow.



01 **HB 1769 - Eviction Record Sealing introduced by Representative Ismail Smith-Wade-El.**

02 **Status: Amended & Passed the House with no path in the Senate.**

03 **Summary:** The original legislation would create an eviction record sealing policy to prevent eviction records from haunting tenants for years and protect them against discrimination and long-term housing insecurity. On Wednesday, September 25th, the House Judiciary Committee amended and voted out HB 1769. The amendment reflects a deal with the Realtors' Association that stipulates the bill would only apply to eviction cases filed 7 or more years ago.

01**HB 2443 - Right to Counsel introduced by Representative Krajewski.****02****Status: Filed.****03**

Summary: Representative Krajewski is seeking to create a state-wide right to counsel program. The Governor along with members of the House secured \$2.5 million in new funding in the 2024-25 state budget for the creation of a statewide Right to Counsel program, which will fund legal assistance for low-income tenants.

I expressed our extreme reservations about right to counsel. I shared the following comments with his team:

- Services could be too expansive...need to define additional services.
- Some form of assistance should be available for small landlords. In Philadelphia 56% of rental units are held by small landlords. Once litigation begins, things could easily be delayed. Lawyers tend to ask for a continuance once representation is approved. This could potentially delay legal action for 30-45 days. During this time, landlords bear the significant amount of the cost. Small landlords lack the ability and resources to sustain those costs, which in turn creates an undue burden.
- Potentially allowing small landlords to also receive counsel supported by government resources.
- Identifying a permanent funding structure to sustain the right to counsel legislation.
- Potentially include language in the legislation that indicates it will be terminated if no funding is allocated to the program.

01

HB 2392 introduced by Representatives Dan Miller and Solomon

02

Status: Introduced.

03

Summary: The legislation would amend the Assistance and Service Animal Integrity Act in several keyways to make sure service animals and those who need them are welcomed, understood, and supported throughout Pennsylvania. Amongst other things, the bill would:

- Creates and administers the distribution of a Trained Service Animal Patch;
- Defines a service animal to better reflect their importance; and
- Codifies state law regarding public accommodation and common carrier access.

04

Action: Working with the Pennsylvania Manufactured Housing Association.

- 01** **HB 1441** introduced by Representative Borowski.
- 02** **Status:** Passed the House, moved to the Senate.
- 03** **Summary:** Amending The Landlord and Tenant Act of 1951, providing for tenants' rights in cases of violence.
- 04** **Action:** Worked on technical amendments with the Pennsylvania Residential Owners Association.

Senator Pennycuick expressed interest in developing her own version of this bill.

01 **HB 1549** introduced by Representative Madsen.

02 **Status:** Passed the House, moved to the Senate.

03 **Summary:** Initially, the bill would have required a landlord to pay a permanently displaced tenant a relocation payment equal to six months' rent paid by the tenant if the rental property has code violations that require the condemnation of the property, or the property is deemed unfit for human habitation. A landlord would also be obligated to pay a temporarily displaced tenant with a relocation payment equal to one months' rent and provide alternative, temporary housing.

We are working with Senator Farry regarding the Senate's consideration. Please note the recent printer version of this bill (#2724) does not include the language above and there is no Senate version available.

01 SB [1230](#) introduced by Senator Baker

02 **Status:** In the Senate.

03 **Summary:** Expands the authority of the Elevator Safety Board. The board would recommend regulations to the Secretary of Labor and Industry relating to construction, maintenance and inspection of elevators and safe operation of elevators. The Secretary of Labor and Industry would review any recommendations for regulations submitted by the board and, if the secretary approves the recommendations, shall promulgate regulations consistent with the recommendations.

HARRISBURG

WHAT'S NEXT?

Repealing the Thurmond Amendment

Representative Siegel

- Summary: Is an amendment to the FHA of 1988 that gave housing providers the authority to permanently deny housing to individuals with prior drug distribution convictions, regardless of the severity of their offenses or the length of time that has passed since their conviction.

HB 96 introduced by state Representative Bullock

- Summary: The legislation would prohibit landlords from inquiring or requiring disclosure about certain arrest records of potential tenants as a condition of a lease.
- Status: No movement.

HB 366 introduced by Representative Isaacson

- Summary: The legislation would cap rental application fees to \$20 and restrict the rental application fee to use of conducting background checks. Background checks pursuant to the legislation shall include applicant's criminal history and credit score. Please note that there is a companion bill in the Senate (SB 860 introduced by Senator Laughlin) that would cap the rental application fee at \$25.

PITTSBURGH

Pittsburgh City Councilman Bobby Wilson (D1) passed legislation in May with unanimous City Council support that creates a new Local Economic Revitalization Tax Assistance (LERTA) program for Downtown to encourage adaptive reuse and conversion of existing vacant office buildings.

In June, County Executive Innamorato launched 500 in 500, an initiative to help people out of homelessness by making 500 affordable housing units available in Allegheny County in the next 500 days.

Councilman Bob Charland introduced quality of life legislation pertaining to city code violations around trash that is likely to pass. More here:

<https://www.wpxi.com/news/local/councilman-proposes-quality-life-ticketing-legislation-clean-up-pittsburgh/DBVAY3SBOND6BPKEKD7FFRTLILU/>

More broadly, City Council heads on recess for the month of August before returning for its fall agenda headlined by budget deliberations through EOY.

Downtown Revitalization Plan