



Initial Evaluation of the City of Philadelphia’s Renters’ Access Act

Renters’ Access Act (“RAA”) Overview & History of the Act

In April of 2021, Philadelphia City Councilmembers Brooks, Gym, Henon, Gauthier, and Thomas introduced an Ordinance detailing §9-810 “Prospective Tenant Screening Practices,” also known as the Renters’ Access Act (RAA). In general terms, the RAA articulated what the City defines as uniform tenant screening criteria, creates a right to dispute a landlord’s decision to decline an application from a prospective tenant, and right to a next available unit should the dispute produce evidence that the prospective tenant was a qualified applicant. The RAA was amended in June of 2021 and signed by former Mayor Kenney on July 15, 2021, with an effective date of October 13, 2021.¹

Council included a requirement that the impact of the RAA be evaluated on a periodic basis. Specifically, Section (9) of the Ordinance requires:

At least once every eighteen months, beginning in the year 2023, Council shall, by separate ordinance, select an independent expert to evaluate the specific impact this Section 9-810 and subsections (3) and (4) of Section 9-1108 have on the real estate rental market and rental accessibility in Philadelphia. The expert shall also comprehensively evaluate the overall impact of the requirements set forth in such sections, and shall submit recommendations for any modifications to those requirements. The expert engaged for this purpose shall be selected pursuant to the procedure set forth in Chapter 17-1400 for the awarding of non-competitively bid contracts. Final copies of the report shall be provided to the Mayor, each member of Council, and to the Clerk of Council, who shall see to it that a copy is posted on the City’s official internet site.

This evaluation, the first conducted since the passage and implementation of the RAA, has multiple components. Quantitative data describing the city’s renter population is presented as background to understand who the RAA was intended to impact. Qualitative data were gathered through numerous structured interviews with all parties involved in the passage of, or impacted by, this Ordinance. Specifically, interviews were conducted with people involved in the framing of the RAA, tenants and landlords/management companies, attorneys for tenants and landlords who handle eviction cases, representatives of landlord associations, staff at organizations aimed at helping renters (such as housing counselors), a Philadelphia Municipal Court Judge, City administration, City Council staff and representatives from the Philadelphia Commission on Human Relations (the City agency responsible for enforcement of certain provisions of the RAA).

Additionally, a mystery shopper (“testing”) program was undertaken during which 80 tests were attempted and 70 tests completed around Philadelphia to learn the degree to which landlords/management companies responded to testers posing as applicants for available rental units

¹ https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-278115



whose circumstance manifest a situation that would require a certain response prescribed by the RAA. Those tests were conducted by both Black and White testers seeking to rent units at varying price points across the city's rental market.

Taken together, the facts gathered suggest that the RAA has likely positively impacted Philadelphians seeking to rent a home. The law was followed in most but not every instance where it would apply (as evidenced by the testing). Lastly, while not all parties report in interviews that they support all of the RAA's provisions, there was consensus that the process of crafting the law was open to a multiplicity of voices and perspectives, and in some ways, the final version of the RAA included concessions made by both those advocating for enhanced tenant rights and those advocating for the interests of the city's landlords/management companies.

Lastly, it is fair to say that there is not uniform or widespread knowledge of the law, especially among tenants and (as reported to us in interviews) smaller "mom and pop" landlords. Additionally, we are unaware of any private rights of action filed under the RAA, and few complaints filed with the PCHR.²

Interviewees were all asked for recommendations with respect to the RAA or its implementation going forward. The near universal recommendation was that, while there had been some effort to publicize the RAA and educate tenants and landlords/management companies, there was still much more public education that needed to be done.

What follows is a review of the data upon which these general conclusions are drawn, beginning with an overview of Philadelphia's tenant protections, renter population, study design, interview themes, and testing results.

[Array of Tenant Protections and Supports; Placing Philly In A National Context](#)

The Renter's Access Act is just one piece of legislation helping safeguard tenants in Philadelphia. From the beginning of the rental process to the end of a rental arrangement between a tenant and a landlord, Philadelphia has tenant protections covering much of a tenant's rental experience. At the start of the rental process is an application, in which proof of income is usually required. Tenants in Philadelphia have source of income protection, meaning that housing providers cannot discriminate against someone due to their source of income, including, but not limited to, income received from federal, state, or local public assistance programs.

Once a tenant finds somewhere to rent, if an issue or disagreement occurs and their landlord wants to evict them under certain situations, they must abide by just cause standards. These standards require landlords to notify tenants they wish to evict and provide a good cause for the eviction. The law also

² As of August 14, 2024, the PCHR has received and processed (or is now processing) 9 Renters' Access cases. They report that 3 of the 9 cases are open (others were closed by the PCHR for various reasons not reported to Reinvestment Fund). One of the cases recently proceeded to the post-investigative stage and it involves an alleged failure to post standardized rental criteria, identify reasons for denying prospective tenant's application, and to reconsider prospective tenant's application after the submission of a request for reconsideration within 48 hours of the rejection of the rental application.



grants existing tenants first option to renew the lease. Another pre-filing support in Philadelphia is the Eviction Diversion Program (EDP), which was launched in 2020 to give landlords and tenants the opportunity to resolve residential rental issues and come to an agreement without having to go to Court. The program was originally only required for landlords and tenants who had difficulty paying rent due to COVID-19 related hardships but was expanded to cover all landlord and tenant disputes in 2022. EDP was recently made permanent, now requiring all landlords and tenants in Philadelphia to participate before an eviction can be filed.

Post-eviction filing supports include the Right to Counsel program, which provides low-income tenants residing in certain zip codes (a group of zip codes which has expanded multiple times since the Program was initiated) with free legal representation in eviction proceedings or other administrative proceedings that could lead to eviction or termination of tenancy.

The above-referenced tenant protections are in addition to, for example, requirements that rental units be licensed, that they be lead-free, and an array of long-standing protections under the City’s Fair Practices Ordinance (in addition to the State’s Human Relations Act and the federal Fair Housing Act). To put Philadelphia’s portfolio of tenant protections in a national context, we compared Philadelphia with other selected large cities across the country using The National Low Income Housing Coalition’s database cataloging the passage of tenant protections.³ Overall, Philadelphia has passed the most local tenant protections for the few cities presented. Including county and state tenant protections, Chicago has the highest number and Jacksonville has the fewest tenant protections. We note that the passage of laws does not necessarily mean that those laws are followed or enforced. The evaluation component built into the RAA makes is unique because we can learn the degree to which it is followed.

City	Number of Local Tenant Protections Passed	Number of County/State Tenant Protections Passed	Total
Philadelphia	9	2	11
Chicago	2	10	12
Dallas	0	6	6
Phoenix	1	4	5
Jacksonville	0	2	2

Table 1: Tenant Protection Legislation Comparison Across Philadelphia, Chicago, Phoenix, Dallas, and Jacksonville

Contemporary Profile of Philadelphia Renters and Landlords

Table 2 offers a contemporary profile of renter households in Philadelphia as of 2022 (the most recent date for which information is available). Approximately two-thirds of Philadelphia renter households are headed by a person of color. The household heads are typically (60%) female, young (average age of 30), many with educational attainment at or below a high school diploma (43.2%) and nearly 90% do not

³ Access the National Low Income Housing Coalition’s state and local tenant protections database at <https://nlihc.org/tenant-protections>. In creating Table 1, legislation was filtered by status to only include active legislation, and preemption legislation was not included in the total.



have a child under the age of 5 present in their household. More than 80% of Philadelphia renters live in single family/duplex or small multi-family buildings, and 56% live in 2- or 3-bedroom units.

There is little definitive data on the degree to which Philadelphia’s rental stock is properly licensed and inspected. Pew estimated that in 2020 approximately 45% of properties (and 30% of units) were not properly licensed.⁴ Further, it is estimated that just 7% of units are inspected each year by the City’s Department of Licenses and Inspections.⁵

Table 3 offers income and rent figures for Philadelphia renters. Typical (median) renter income in 2022 was \$42,153 but the mean income of \$61,404 reflects that there are some relatively high income renters creating an “inflated” mean. Rents are typically \$1,263—with 25% spending less than \$951 and 25% spending more than \$1,653. Inflation has likely impacted rents since those reported in the American Community Survey, meaning that those rents are undoubtedly higher. As an example, HUD Fair Market Rents, reflective of the contemporary rental market, generally grew faster than income over the last few years.⁶

	Percent of Renter Population		Percent of Renter Population
Race/Ethnicity		Presence of Children Under 5	
White not Hispanic	33.7%	No Children	89.4%
Black not Hispanic	42.8%	1-2 Children	10.4%
Other not Hispanic	10.5%	3+ Children	0.2%
Hispanic	13.0%		
		Units in Structure	
Sex of Household Head		1-family house, detached	3.3%
Female	60.0%	1-family house, attached	35.5%
Male	40.0%	2-family building	12.8%
		3-4 family building	11.4%
Age of Household Head		5-49 family building	18.0%
Under 35	40.3%	50+ family building	18.5%
35-49	25.6%	Other	0.3%
50-64	19.4%		
65+	14.7%	Bedrooms in Unit	
		No bedrooms	9.5%
Education of Household Head		1 bedroom	28.6%
No High School Degree	9.0%	2 bedrooms	29.1%
High School Degree	34.2%	3 bedrooms	27.5%
Some College	20.5%	4+ Bedrooms	5.2%
College Degree Plus	36.3%		

Table 2: Demographic Characteristics Of Philadelphia Renters, 2022

Cost burdens reflect the degree to which renters are spending an economically unhealthy amount of their monthly income on housing/rent. Households spending under 30% are considered **unburdened** while those spending between 30% and 49.9% are considered **moderately burdened**; those spending 50% or more are considered **severely burdened**. We say an unhealthy amount because experts generally

⁴ See: [Rental Code Enforcement in Philadelphia | The Pew Charitable Trusts \(pewtrusts.org\)](https://www.pewtrusts.org/en/research-and-analysis/articles/2021/04/01/rental-code-enforcement-in-philadelphia)

⁵ See: [Improving Philadelphia’s Rental and Housing Support Systems.pdf \(urban.org\)](https://www.urban.org/research/publication/improving-philadelphias-rental-and-housing-support-systems)

⁶ The 2022 Philadelphia Area Fair Market Rent for a 2-br unit established by HUD was \$1,298; by 2024, that same unit’s rent would have climbed more than 30% to \$1,737. Increases in income due to inflation would only have increased incomes only by approximately 10%. <https://www.huduser.gov/portal/datasets/fmr.html>



agree that spending more than 30% (and especially more than 50%) does not leave ample income left for other household needs, and generally translates into more economic fragility for those burdened households.

More than one-half of Philadelphia renter households are rent burdened, and in fact, almost one-in-four is severely burdened. We observe substantially higher percentages of households of color compared to White not Hispanic households experiencing severe rent burdens (10-15 percentage points). And rent burdens are also far more acute among the lowest income households where nearly nine-in-ten are burdened. Renter households with incomes above the median manifest much lower overall rent burden levels.

Renter households that are economically fragile, as manifest by renter income and cost burden levels, are a key group for whom protections under the RAA were intended. And that fragility can lead to a rental history that includes late rent payments, eviction filings and even filed judgments.

	Renter \$ / Percent		Renter \$ / Percent
Household Income		Cost Burdened	
25th Percentile	\$ 17,111	Income Under \$17,101	
Median	\$ 42,153	Unburdened (Under 30%)	10.1%
Mean	\$ 61,404	Moderately Burdened	11.9%
75th Percentile	\$ 81,834	Severely Burdened	77.9%
Gross Rent		\$17101-\$42150	
25th Percentile	\$ 951	Unburdened (Under 30%)	16.3%
Median	\$ 1,263	Moderately Burdened	38.9%
Mean	\$ 1,364	Severely Burdened	44.8%
75th Percentile	\$ 1,653		
Cost Burden		\$42151-\$81800	
Unburdened (Under 30%)	47.6%	Unburdened (Under 30%)	63.7%
Moderately Burdened	22.1%	Moderately Burdened	32.0%
Severely Burdened	30.3%	Severely Burdened	4.3%
Cost Burdened		\$81801 and Over	
White not Hispanic		Unburdened (Under 30%)	95.3%
Unburdened (Under 30%)	55.6%	Moderately Burdened	4.3%
Moderately Burdened	20.7%	Severely Burdened	0.5%
Severely Burdened	23.7%		
Black not Hispanic			
Unburdened (Under 30%)	43.8%		
Moderately Burdened	22.4%		
Severely Burdened	33.7%		
Hispanic			
Unburdened (Under 30%)	39.3%		
Moderately Burdened	22.0%		
Severely Burdened	38.7%		

Table 3: Economic Characteristics Of Philadelphia Renters, 2022

Renters, as a group, tend to move around more frequently than owners. Figure one shows the percent of owner and renter households that report being in a different house the *prior* year (to the survey).



Reporters in the 2021-2022 period are referencing the core of the pandemic period with their responses, and there is a substantial drop in mobility—at least for renters—to the lowest level since 2013. Post pandemic though, the rate of renter mobility more than doubled to the highest level since 2013. Comparable data from a different federal data source shows that approximately 24.5% of renters report being in a different home the prior year.⁷ By either data source, in the last year or so the number of renter households moving was upwards of 70,000.

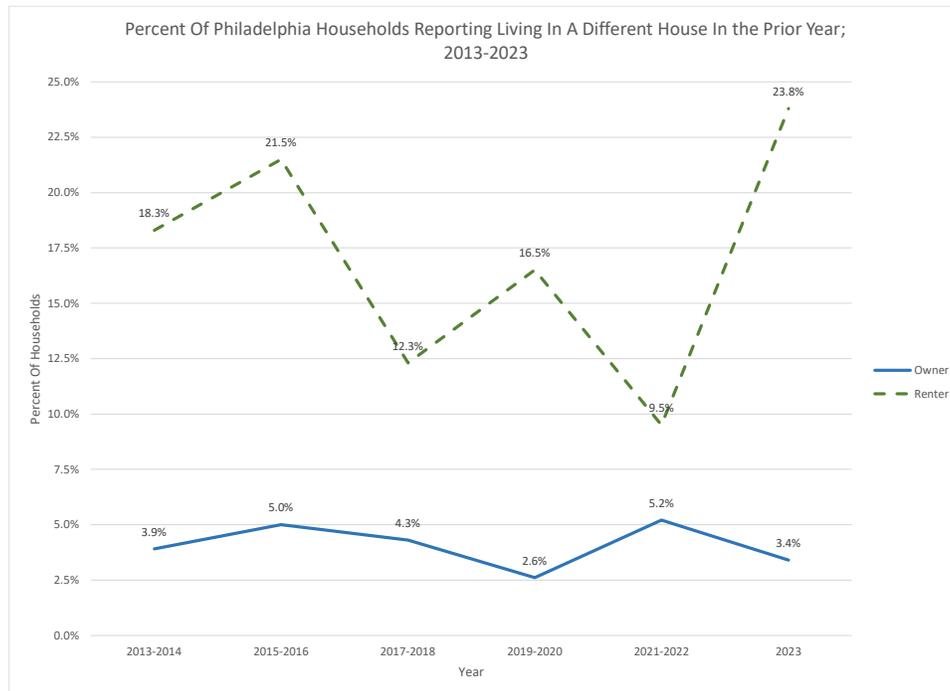


Figure 1: Mobility Rates for Philadelphia Households By Tenure; 2013-2023⁸

The RAA was enacted in part to protect renters from suffering the consequences of an eviction record, under certain circumstances (e.g., the filing resulted from an inability to pay rent due to a COVID-related job or income loss). And described in the prior section, the RAA was but one of several interventions in Philadelphia to address the COVID-related impacts on tenant and landlords. Data show that in recent years more than 12,000 renter households are subject of an eviction filing in Municipal Court, and that represents an annual rate of about 3.6% (i.e., approximately 3.6% of all renter households are subject of an eviction filing each year). This is clearly below pre-pandemic levels, nevertheless, thousands of households each year are forced to obtain new housing with an eviction record; many of these households with a history of an eviction will potentially benefit from the protections of the RAA.

⁷ Reinvestment Fund computation from the 5-year American Community Survey, 2018-2022.

⁸ Reinvestment Fund computations from the 1-year Current Population Survey (CPS), multiple years. CPS data were accessed from:

Sarah Flood, Miriam King, Renae Rodgers, Steven Ruggles, J. Robert Warren, Daniel Backman, Annie Chen, Grace Cooper, Stephanie Richards, Megan Schouweiler, and Michael Westberry. IPUMS CPS: Version 11.0 [dataset]. Minneapolis, MN: IPUMS, 2023. <https://doi.org/10.18128/D030.V11.0>



Year	Count of Res. Evic Filings	Share of Res. Evic Filings	Count of HH w/ Res. Evic Filings	Share of HH w/ Res. Evic Filings	Count of Renter Households
2018	19,767	6.90%	17,317	6.00%	287,543
2019	19,830	6.70%	17,578	5.90%	295,783
2020	7,371	2.50%	7,032	2.40%	289,341
2021	6,593	2.10%	6,381	2.00%	311,986
2022	14,062	4.10%	13,442	3.90%	341,785
2023	12,920	3.80%	12,223	3.60%	341,785
2024**	12,605	3.70%	12,163	3.60%	341,785

Table 4: Philadelphia Eviction Filings and Rates; 2018-2024 (** annual estimate based on partial year of filings)

Data on Philadelphia’s landlords, the group who are subject to the provisions of the RAA, is somewhat limited. In 2021, Pew reported on research it conducted together with Reinvestment Fund descriptive of the city’s landlord population.⁹ “Mom-and-Pop” landlords—landlords with just 1 or 2 rental units—comprise 72.7% of Philadelphia’s landlords and control 17.7% of the city’s rental units. There are 14,000 landlords categorized as “medium sized”, controlling 3-24 units, which make up another 29.5% of units. The city’s largest landlords, who own 25 or more units, number about 1,000 and they have an estimated 252,000 units (or 52.8% of the city’s rental units).

Study Design and Methods

To understand the impact of the RAA, this evaluation consists of two main components: interviews and testing. Interviews were conducted with a variety of individuals connected in one way or another to the RAA, including people involved in the framing of the law, tenants and landlords/management companies, staff at organizations aimed at helping renters (such as housing counselors) and representatives of landlord associations, attorneys for tenants and landlords who handle eviction cases, a Philadelphia Municipal Court Judge, City administration, City Council staff and representatives from the Philadelphia Commission on Human Relations (the City agency responsible for enforcement of certain provisions of the RAA).

Overall, we conducted 20 interviews with approximately 30 individuals. The interviews generally followed a similar structure, with broad questions around interviewees’ work around rental housing, their knowledge of the RAA and opinion on others’ awareness of the law, experience with the RAA and perceived impact of the law, and if there were any changes that should be made to the RAA (or if they had any ideas on how to improve awareness of the law). Tenants were asked more specific questions about their rental history and experience with the rental application process.

The testing strategy was built on six carefully scripted testing scenarios created to define the situation for which testers made inquiries with landlords/management companies.¹⁰ Test sites were selected based

⁹ See: [Who are Philadelphia's Landlords? | The Pew Charitable Trusts \(pewtrusts.org\)](https://www.pewtrusts.org/en/research-and-analysis/articles/who-are-philadelphia-landlords)

¹⁰ Because tests did not include a complete application and were conducted by phone, not all aspects of the RAA could be evaluated (e.g., provision of a written or electronic statement of all the reasons an applicant was denied).



on location throughout the city, rent level, and advertised availability. All tests were completed by testers trained and monitored by the Housing Equality Center of Pennsylvania (HECP).¹¹ HECP coded test results as **compliant** if the tester was treated in a manner that was consistent with the provisions of the RAA (e.g., a renter’s credit deteriorated *due to a COVID-related loss of work*, but it has since improved and the landlord took that circumstance into consideration); **inconclusive** if the test did not produce sufficient evidence to conclude that the RAA was being violated; **non-compliant** if it was clear that the RAA was violated (e.g., no applicant with an eviction history, regardless of the reason or circumstance, was eligible for tenancy). Overall, 70 tests were completed.

Figure 2 shows the location of all tests completed. The tests were distributed widely across the city of Philadelphia, and in fact, multiple tests were completed in each Council District.

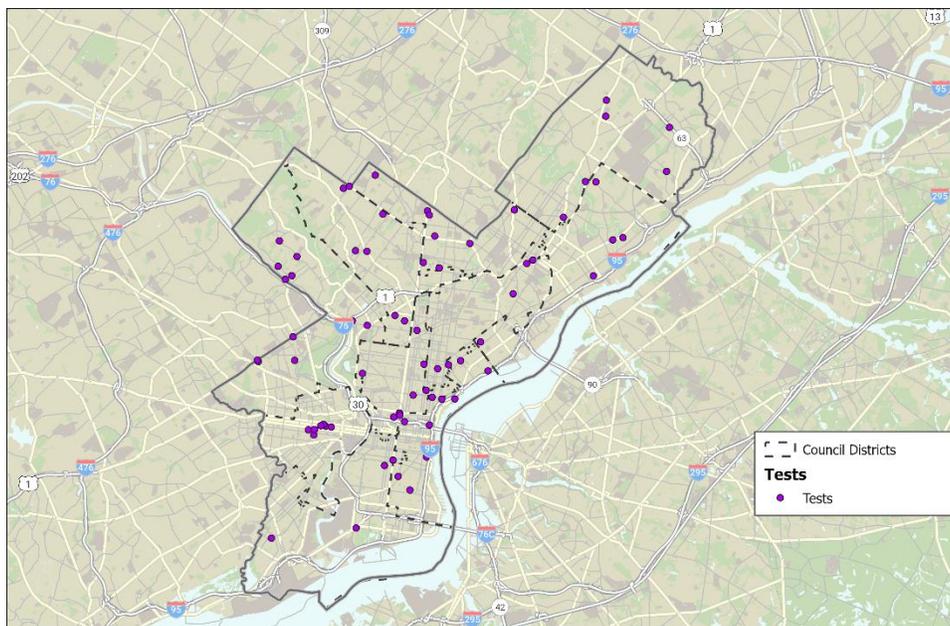


Figure 2: Location of Completed RAA Tests

¹¹ The Fair Housing Council of Suburban Philadelphia, Inc. dba Housing Equality Center of Pennsylvania (HECP) is the nation’s oldest fair housing agency. HECP is a nonprofit civil rights organization, and a HUD designated Qualified Fair Housing Enforcement Organization. HECP conducts a full-service program of fair housing enforcement and education activities, including complaint intake, counseling, and investigation; enforcement support services; technical assistance with fair housing compliance; and testing for fair housing violations in rental, sales, accessibility, homeowners insurance, and mortgage lending transactions.



Testing Scenarios

Type A—Credit/Employment during COVID

A prospective tenant lost their employment during the COVID pandemic and was unable to pay their rent, utilities, and other bills. As a result, they currently have a poor credit score but have gotten another job and are beginning to repair their credit. The prospective tenant has made on-time rental payments for the past year.

Type B—Credit/COVID

A prospective tenant was hospitalized with COVID and related complications during the pandemic and was unable to pay their rent, utilities, and other bills. As a result, they currently have a poor credit score but since regaining their health and being able to maintain stable employment they are beginning to repair their credit. The prospective tenant has made on-time rental payments for the past year.

Type C—Eviction/Divorce

A prospective tenant was evicted four or more years ago following a divorce, when they could no longer afford to pay their rent on only one income. Following this, they lived with roommates for a time and then were able to find a more affordable apartment on their own. The prospective tenant has made on-time rental payments for the past year.

Type D—Eviction/Non-Renewal

A prospective tenant was evicted four or more years ago when they had a hard time finding a new apartment when their landlord decided not to renew the lease and failed to move out at the end of their lease term. Following this, they moved in with family for a time and then were able to find a new place to live and have not had any issues with lease violations since.

Type E—Eviction/Pay & Stay

A prospective tenant's landlord filed an eviction against them when they fell behind on rent when they unexpectedly owed income taxes due to incorrect withholdings. The judge granted a "pay and stay," giving them the opportunity to pay the judgement and remain in the apartment, and they were able to borrow money from a family member to catch up on rent and were not evicted. Following this, the prospective tenant has not fallen behind on their rent, however they still have the eviction filing on their record.

Type F—Eviction/False Accusations

A prospective tenant's landlord filed an eviction against them when their landlord accused them of being disruptive to your neighbors and of damaging the property. They denied both allegations and were able to produce time stamped photos proving that the damage predated their tenancy, and the judge decided the case in their favor. After that they found a new apartment and have never had any subsequent accusations of lease violations, however they still have the eviction filing on their record.

Interview Results

Overall, there seems to be a consensus on different groups' awareness of the RAA. Interviewees largely agree that tenants are generally unaware of the RAA, landlords are more likely to know about the RAA (especially larger landlords and property management companies), and tenant and landlord attorneys



are highly aware of the law. Awareness among other groups varied, and a few interviewees believed they knew more about the RAA than they did as evidenced by their responses to questions about the RAA. For those that were aware of the RAA, interviewees predominantly agreed with the premise of the law.

Tenant groups thought positively about the RAA, regarding it as an important piece of tenant protection legislation that supports tenants' ability to access housing. The RAA helps level what they reported as an uneven playing field between landlords and renters, and gives renters the opportunity to provide context to their situation or correct erroneous reports. In addition, tenant community and advocate organizations said that the RAA can be helpful when they advise their clients, and tenant attorneys use the law to inform their work when negotiating settlements and agreements with landlords.

Landlord groups were also involved in the shaping of the RAA, participating in pre-passage conversations and giving their opinions, with the final bill being a compromise between all the parties involved. A couple of the landlord groups expressed that the RAA included things that landlords should already be doing or were doing before the law was passed. They articulated the notion that landlords should be understanding about times of hardship and give potential renters the benefit of the doubt, considering the totality of the renters' records. However, some stated that they generally did not believe that the RAA should require these things.

Regarding the rental application process itself, tenants and tenant groups reported experiencing or hearing about acts that violate the RAA. Common violations mentioned included landlords not posting their screening criteria and denying an application due to an eviction or low credit score. In a similar but more subtle fashion, a few tenants mentioned that some landlords did not have a blanket exclusion due to an eviction or low credit score, but rather dissuaded potential renters and gave them the impression that they would not qualify, so they did not bother applying. Some tenants also mentioned that they did not know they had the right to contest a denial¹² and were not given an opportunity to do so.

Regarding improvements that could be made to the RAA, the most common suggestion across the board was to increase awareness of the law among tenants and landlords. Although there were concerted efforts to increase awareness about the RAA when it first passed (with some ongoing education), the law does not seem widely known. To reach tenants, some interviewees suggested requiring landlords to notify tenants of the RAA when they submit a rental application. To reach landlords, landlords could be given information about the RAA through the online Gateway portal for landlords or when they obtain their rental license.

In the creation of the final version of the RAA, concessions were made on both sides. When asked about how the law could be improved, tenant groups thought that the RAA could be strengthened by increasing its enforcement and the amount of time tenants have to contest a denial, decreasing the timeframe a landlord can look for an eviction, as well as lessening the burden on tenants who must take action to file a complaint. They raised the issue that tenants are busy living their lives, in search of housing, and might not have the means, time, or ability to fully avail themselves of their rights, let alone

¹² This category of responses was part of the reason we concluded that tenant knowledge of the RAA, in some instances, may not be as complete as they reported.



jump through the hoops of a formal complaint process. People may not go through the complaint process because they are primarily focused on obtaining housing. One tenant attorney group suggested that the RAA should be more proscriptive and lay out screening criteria that all landlords would have to adopt.

According to landlord groups, the RAA has been challenging for some landlords and could be changed in a variety of ways. They offered that in general, it is difficult for small landlords to learn about and keep up with the various laws and regulations around the rental housing market. In addition, the RAA has placed greater upfront risk and cost burdens on small-scale landlords who do not have the capital or resources to absorb risks. Overall, landlord groups thought that the RAA is one of the many pieces of legislation that has created a tough environment for mom-and-pop landlords to operate in, which will have the ultimate effect of reducing the size of Philadelphia's affordable rental housing stock.

More specifically about the RAA, some landlord groups expressed a preference to use a baseline credit score for applicants, as other industries do, increase the timeframe a landlord can look for an eviction, and increase the number of units required to have to provide a tenant with another unit.¹³ One of the landlord attorneys was concerned that the RAA gives tenants a private right of action, allowing tenants to take legal action against landlords, and that there seems to be ambiguity around how to conduct an individualized assessment based on uniform criteria (either you have uniform criteria applied uniformly, or you don't).¹⁴ A couple of landlord groups also suggested that laws around the residential rental housing market could be changed to differentiate between landlords based on the number of properties they owned, or exempt small landlords altogether. This would certainly result in fewer renters receiving the protection of the RAA.

¹³ The RAA threshold for offering a next available unit applies to landlords with 5 or more units.

¹⁴ We are unaware that there have been any private rights of action under the RAA filed to date.



Testing Results

It is important to recognize that there was a relatively small number of tests completed. That relatively small number were not randomly selected, and so should not be considered fully representative of the universe of interactions between people seeking to rent a home and those renting out those homes.

As previously noted, we purposefully endeavored to complete tests in many parts of the city, across multiple rent levels, and tester race groups; that means subgroups of tests are really quite small. It would not be correct to assume that because 17.1% of these tests came back non-compliant—or that 60% of the testers who had an eviction record based on a non-renewal were non-compliant—that those percentages are an exact representation of what the universe of renters will experience under a given situation. It is, however, reasonable to conclude that there is undoubtedly less than perfect compliance with the RAA uncovered through these tests. We therefore caution that the best way to think about the results in the tables below is that they are ***indicative***, not ***definitive***.

Compliant Eviction-False Accusations Tester Narrative Excerpt (Black—rent level low)

I [tester] said I need to tell you I had an eviction filed against me 3 years ago. The landlord said I was disruptive and damaged the property. The case went to a judge. I was able to provide pictures that showed the damage that occurred before I lived in the apartment. I said the judge ruled in my favor. I said the eviction filing is still on my record. I asked if the eviction filing will prevent me from being allowed to move here. [Rental agent] asked if I had documentation from the judge’s decision. I said I do. She said that’s good and said I can tell you how to get the eviction filing removed from your record. [Rental agent] said contact your lawyer and ask him to go to the courthouse and have satisfied damages removed from the record. She said it can be done in a day.

Table 5 offers the results by testing scenario. In general, the greatest degree of compliance was uncovered in the Pay and Stay and False Accusation scenarios. Conversely, we observed the greatest level of non-compliance in the scenario where there was an eviction related to a failure to vacate after a non-renewal. There was also an elevated level of non-compliance on tests reflective of a divorce-related eviction.

	Credit / Employment During COVID	Credit / Hospitalization During COVID	Eviction: Divorce	Eviction: Fail to Vacate After Non- Renewal	Eviction: Pay & Stay	Eviction: False Accusations	Total
Compliant	58.3%	53.8%	25.0%	20.0%	72.7%	75.0%	51.4%
Inconclusive	33.3%	46.2%	41.7%	20.0%	27.3%	16.7%	31.4%
Non-Compliant	8.3%	0.0%	33.3%	60.0%	0.0%	8.3%	17.1%
N of Tests Completed	12	13	12	10	11	12	70

Table 5: Test Results By Testing Scenario



Table 6 breaks down testing results by rent level. The greatest level of compliance was observed among testers seeking homes renting at the highest rent levels; second was those seeking homes at the lowest rent levels. Non-compliance was more prevalent at the middle of the rent spectrum.

Lastly, we break down test results by the race of the tester (all testers were female). White testers tended to fare a little better than Black testers, with a higher rate of compliance and lower rate of noncompliance. There was no difference in the degree to which the test result was inconclusive.

Figure 5 is an elaboration of Figure 4 in that the location of the tests completed are differentiated by the race of the tester and whether the test was compliant or non-compliant (inconclusive results are not mapped). It does not appear that there are any particular patterns of test result by race of tester or location throughout the city. In other words, there are landlords in all parts of the city that treated some testers in a compliant manner. And there are landlords in all parts of the city that treated some testers in a manner that is non-compliant with the RAA.

**Non-Compliant Eviction Non-Renewal
Tester Narrative (Black—rent level
middle)**

[tester] ...will there be a credit check, if so, what will you be looking for and do scores make an impact? [Rental agent] responds there is no specific range of scores, but we do not allow judgments, collections, or charge offs. I then said, at this time I currently have some challenges with my credit. Five years ago, I was evicted when I had a hard time finding a new apartment when my landlord decided not to renew my lease and I failed to move out at the end of my lease term. During this time, I moved in with family for a time and then I was able to find a new place to live and I have never had any issues with lease violations since. My current landlord is willing to provide a reference confirming this....will this eviction record prevent me from being considered for tenancy? Unfortunately, you will be denied. I responded, even though it's been over four years ago, [Rental agent]'s response, unfortunately, yes.



	Rent: Low	Rent: Low/Mid	Rent: Middle	Rent: Upper
Compliant	56.0%	38.9%	41.2%	80.0%
Inconclusive	28.0%	38.9%	35.3%	20.0%
Non-Compliant	16.0%	22.2%	23.5%	0.0%
N of Tests Completed	25	18	17	10

Table 6: Test Results By Rent Level

	Black Tester	White Tester
Compliant	45.7%	57.1%
Inconclusive	31.4%	31.4%
Non-Compliant	22.9%	11.4%
N of Tests Completed	35	35

Table 7: Test Results By Race Of Tester

Compliant Eviction-Credit/COVID Tester Narrative (White–rent level upper)

I asked about the application process...I said that was what I wanted to ask about because I had COVID and had payment issues but now able to pay my bills on schedule. [Rental agent] said COVID turned the world upside down and they are happy to take that into consideration. [Rental agent] said as long as you pay on time. [Rental agent] said if your credit is not good they ask for two month’s of security deposit instead of one. [Rental agent] also said they want your income to be three times your rent.

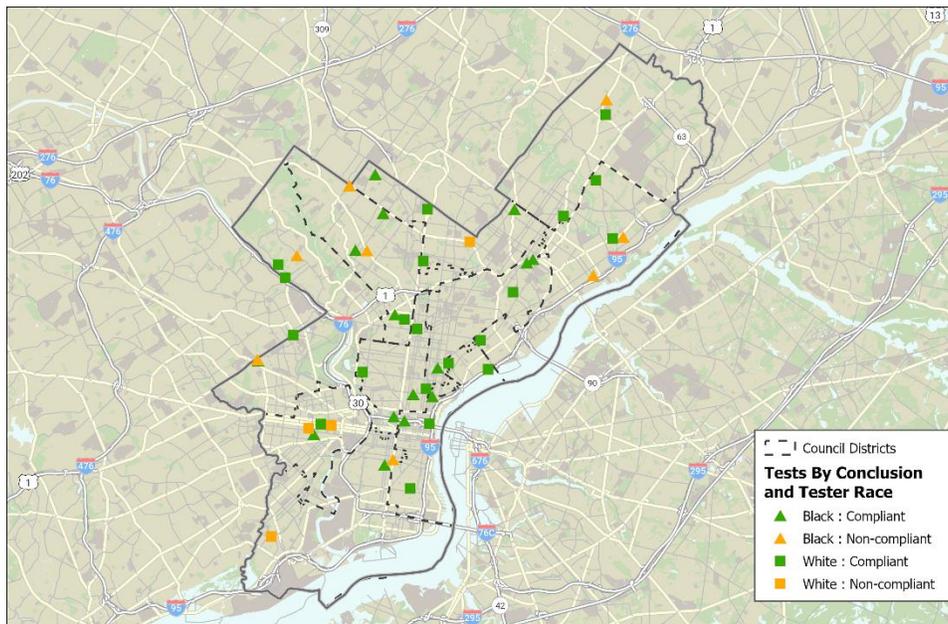


Figure 3: Tests Differentiated By Tester Race and Conclusion



**Inconclusive Eviction-Pay and Stay
Tester Narrative Excerpt (White
tester–rent level middle)**

I [tester] told her I had a previous eviction issue. I stated that two years ago my landlord filed an eviction against me because I fell behind with my rent...I was able to borrow some money from a family member and paid the judgment and was not evicted. Since then, I have not been late with the rent, but believe there is still an eviction filing on my record. I have references from my landlord confirming this...I then asked if this eviction record would cause a problem with my approval as a tenant. She said it could definitely affect approval for an apartment...It would not matter if I paid the judgment, the eviction filing would still be on my record and would lower my score. I asked how much it would affect my score and she did not have an answer and said the scoring was done by the outside contractor.

**Compliant Eviction-Pay and Stay
Tester Narrative (Black tester–rent
level low)**

I [tester] said I need to tell you I had an eviction filed against me 3 years ago. The landlord said I was disruptive and damaged property. The case went to a judge. I was able to provide pictures that showed the damage the occurred before I lived in the apartment. I said the judge ruled in my favor. I said the eviction filing was still on my record. I asked if the eviction filing will prevent me from being allowed to move here. I said I have documentation from the case. [Rental agent] asked how I was disruptive. He said were you loud or fighting with the tenants. I said no I wasn't. I said the proffer [is] the judge's ruling. [Rental agent] said I should be ok.

Non-Compliant Eviction-Divorce Tester Narrative Excerpt (Black testers–low/mid)

A. I [tester] proceeded to inform her that four years ago I was evicted following a divorce when I could no longer pay the rent on only one income. Following this, I lived with friends for a time and then when I was able, I found a more affordable apartment on my own and have made on time rental payments for the last two years. My current landlord is willing to provide a reference confirming this, will this eviction record preclude me from being considered for tenancy? [Rental agent] said yes it would...they do not rent to people who have an eviction that shows up on the credit application.

**Compliant Eviction-Pay and Stay
Tester Narrative Excerpt (White
tester–rent level upper)**

[Rental Agent] said many factors were taken into account when applying, including credit score, credit card debt and other things including the eviction judgment. She said she would encourage me to provide the reference from my landlord and explain the situation and everything would be taken into consideration.

**Compliant Eviction-Non-Renewal
Tester Narrative (White–rent level
middle)**

[Rental agent] said if it was around that time it should not be a problem. [Rental agent] said it would be okay with her. They are more concerned with evictions that are a result of non-payment of rent. I said that was not the case. [Rental agent] again said that it should not be a problem—that she would not have an issue with it. If it were a problem their corporate office would review it. I asked again if I can explain the circumstances on the application and she said there is a section titled "Notes" and I could put a note about that on the application.



Summary/Conclusions/Recommendations

As some interviewees report, the RAA is a law that was passed as a step in the larger effort by tenant advocates to get eviction records sealed. Research shows that evictions can have many and varied impacts on those who rent—on their physical and mental health and by prolonging their search for housing and subjecting them to less advantageous (and more expensive) housing options.¹⁵ And research also shows that court records of evictions are less than perfect, leading to adverse consequences even for those against whom no eviction was even filed.¹⁶ Not only are the records imperfect, but the process by which they get pulled into the landlord reporting services is also imperfect.¹⁷ Sealing eviction records therefore is viewed by some as a means to ensure that a record of an eviction filing (even one that was ultimately dismissed) does not impair the search for housing, or increase the costs that a renter would have to pay. Local groups have made the case for eviction sealing in Harrisburg for several years, but it is not yet law.¹⁸ Because the RAA prescribes how eviction records can be used and the rights prospective tenants have in contesting or explaining an eviction, it stands as a protection for those with an eviction on their records.

This evaluation of the relatively new law suggests that knowledge of the law has not proliferated as widely as would be ideal. It also shows that, while the RAA was a law that came about with the input of many and varied interests, interviewees who are or represent landlords and management companies assert that the law would be more manageable were it not to apply to the city's many mom-and-pop landlords. This evaluation shows that when we test for compliance with the RAA using a mystery shopper method, the results show less than uniform compliance. Testing revealed many instances where landlords responded to testers exactly as the framers of the RAA would hope; but there were many instances where landlords responded to tenants in a manner suggestive of non-compliance with the law. Further, while we are unaware of any private rights of action filed under the RAA, there have been a few recently filed complaints with the PCHR, which they are now processing.

If there is one recommendation that it would seem all interviewees could support, it would be that more needs to be done to affirmatively push information out about the RAA to renters and to landlords. Tenants still report that it is difficult to find good affordable housing, and that is especially so when navigating the rental market as someone with a subsidy, and if you have a history of an eviction. While there is some good information available¹⁹—information that several interviewees praised (and used)—more needs to be done. Landlord associations report doing many informational sessions and providing

¹⁵ See, for example:

<https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.urban.org/sites/default/files/2023-08/Masking%2520the%2520Scarlet%2520%25E2%2580%259CE%25E2%2580%259D.pdf&ved=2ahUKEwid--3vzIuIAxUjEVkFHVpiEAs4ChAWegQILBAB&usg=AOvVaw2n2OkIkcN3>

¹⁶ See, for example: <https://www.huduser.gov/portal/periodicals/em/Summer21/highlight2.html>

¹⁷ See, for example: <https://www.ftc.gov/news-events/news/press-releases/2023/10/ftc-cfpb-settlement-require-trans-union-pay-15-million-over-charges-it-failed-ensure-accuracy-tenant>

¹⁸ See, for example: <https://www.pahouse.com/CentralPADelegation/InTheNews/NewsRelease/?id=133369> and https://clsphila.org/wp-content/uploads/2023/10/pl_report_advancing-penn_092823_a-3.pdf

¹⁹ See, for example: <https://phillytenant.org/> and <https://www.phila.gov/media/20211014090131/Renters-Access-Act-tenant-screening-guidelines-20211013-rev2.pdf>



assistance to members, but they do not reach the entire universe of landlords in the city. And housing counselors and public interest attorneys similarly have done information sessions and other forms of public education, but they do not touch all people in their search for housing either. Thus, more affirmatively promoted and accessible methods of understanding the protections and obligations of the RAA is strongly recommended. And because of the many and varied ways that people access information, we recommend that the city engage in a multi-pronged and ongoing public awareness campaign focused on the RAA specifically and tenants' rights/obligations more generally. Lastly, through interviews a recommendation was while landlords can find citations to the various laws and regulations to which they are obligated when they obtain a rental license,²⁰ perhaps those laws should be affirmatively provided (and perhaps receipt acknowledged) when a license is sought.

We would be remiss to not report comments from some of those representing the interests of Philadelphia's landlords. They pointed out the apparent inconsistency of requirements to treat people uniformly, but also evaluate tenant situations on a case-by-case basis. They also pointed out that there are a lot of laws, and they report that the proliferation of such laws is driving many of the small landlords out of the business. To that end, there was a suggestion that the unit threshold for applicability of the RAA (and other laws) be raised—a comment that they attached to other laws as well.

Philadelphia City Council had the wisdom to include a provision that this law be evaluated every 18 months to understand the impact that the RAA had on the city's rental market and rental accessibility. With another 18 months of affirmative public education/awareness about the act, we would expect that the next evaluation will manifest a greater level of knowledge of the law and its rights and obligations; and we would hope that testing would show a greater degree of compliance with the RAA.

²⁰ See: <https://www.phila.gov/services/permits-violations-licenses/get-a-license/business-licenses/rental-and-property/get-a-rental-license/>



Appendix 1:

Organizations Represented By Interviewees

- City of Philadelphia Department of Planning and Development
- Clarifi
- Community Legal Services (CLS)
- Greater Philadelphia Association of Realtors (GPAR)
- Homeowners Association of Philadelphia (HAPCO)
- Pennsylvania Apartment Association (PAA)
- Philadelphia City Council staff
- Philadelphia Commission on Human Relations
- Philadelphia Housing Authority Housing Choice Voucher Program
- Philadelphia Municipal Court
- The Public Interest Law Center
- SeniorLaw Center
- Tenant Union Representative Network (TURN)
- Urban League of Philadelphia



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Reinvestment Fund is committed to building strong, more equitable communities by making health wellbeing, and financial security available and accessible to families, regardless of income or zip code. We integrate data, policy and strategic investments to improve the quality of life in neighborhoods. Using analytical and financial tools, we bring healthy food projects, affordable housing, schools and health centers to the communities that need better access-creating anchors that attract investment over the long term and help families lead healthier, more productive lives. More at reinvestment.com.