Linda Peyton: My name is Linda Peyton. I am the Executive Director of the Legal Clinic for the Disabled (LCD). I am before you today representing LCD, Homeless Advocacy Project, SeniorLAW Center, Women Against Abuse and the AIDS Law Project as the spokesperson for these legal aid providers who represent especially vulnerable populations in this housing and eviction crisis. Each of my colleagues above contributed to this written testimony.

I want to thank Council Member Helen Gym and Council Member Maria Quinones-Sanchez and their amazing staffs for bringing us all together today to address this crisis.

LCD has been housed at Magee Rehabilitation Hospital since 1990. As part of its programing, LCD has developed 5 Medical Legal Partnerships (MLP) with hospitals and health centers in 7 diverse low-income communities in Philadelphia. MLPs place attorneys alongside healthcare professionals in hospitals and health centers to address health harming social determinants of health that are legal in nature such as substandard housing, eviction and homelessness. LCD staff visit clients in their homes and see firsthand the deplorable conditions they are forced to live in. They live with mold, sewage, and vermin, and without utilities or water. Our clients overwhelmingly report that requests to their landlords to remediate are ignored.

Substandard housing conditions and evictions are city-wide problems that impact tens of thousands of low-income tenants every day; however, I am before you today to talk about particularly vulnerable populations and the acute burden that these problems impose on these individuals. They are people with disabilities, veterans, seniors, survivors of domestic violence and people living with AIDS and HIV. They are people who do not know their rights and who are afraid to complain because they have no place to go when the landlord retaliates. They continue to live in squalor because they see no better alternative. For many, eviction means homelessness; therefore, a roof with a hole in it is better than no roof at all. For those with children, homelessness creates the added risk of DHS involvement and possible removal of their children.
Philadelphia has reached a crisis point. Of the ten biggest U.S. cities, it ranks first in poverty. For a city with such incredible need, resources are dangerously scarce. The amount of safe and affordable housing for low-income residents is grossly inadequate to meet the demand. Shelter beds are often unavailable and, for many with special circumstances, they are not even an option. The city’s current shelters are not able to meet the varied and complex needs of these vulnerable populations who may rely on attendant care, experience mobility issues or medication/technology dependence, have cognitive issues, are vision impaired, or experience mental health issues.

The populations we serve are especially at-risk of homelessness and to suffer from the health-harming consequences of substandard housing conditions and eviction. The lack of shelter services for our at-risk clients makes eviction and substandard housing even more dangerous. Accessible shelters for people with disabilities are scant. There are no age sensitive shelters for our seniors. Our clients often have no family who can shelter them if they are evicted and there are not enough financial resources to help families relocate to safe, accessible housing if they are living in dangerous conditions.

**People Living with Disabilities**

There is a strong correlation between poverty and disability. Nationally, 28% of people with disabilities ages 18-64 live in poverty, compared to 12.5% of the general population. Individuals living in Philadelphia fare much worse. In the Philadelphia Region, one in four people with a disability live in poverty and struggle on a daily basis to find food, shelter and health care. Many of LCD’s clients live with cerebral palsy, spinal cord injuries, traumatic and acquired brain injuries, cancer, lupus, kidney disease, COPD, heart disease, rheumatoid arthritis, multiple sclerosis, asthma, and diabetes, blindness, or are deaf or hard of hearing. AIDS Law Project’s clients live with HIV and AIDS. Substandard housing conditions, such as mold or inadequate heating, act as triggers to already acute conditions. Despite the fact that people are compliant with medication and healthcare routines, they are unable to stay healthy because of their environment.

Individuals with disabilities who are facing an eviction face unique challenges—they may be physically unable to go to court, seek representation, to see a letter sent to them, to listen to a conversation, to speak, or to remember yesterday’s conversation. A landlord who does not provide adequate heat or whose nonpayment leads to water shut off has a direct effect on that client’s ability to stay healthy. Many clients living with HIV and AIDS who are facing eviction have had to stop working or reduce their work hours due to their health, and are frequently living on an income of less than $1,000 a month. An eviction lawsuit is devastating and costly resulting in even more debt.

A disability or chronic medical condition poses challenges to any individual, but those challenges are compounded and exacerbated by substandard housing conditions and evictions. For some, because of the lack of adequate social supports and shelter services, the challenges become overwhelming.
Seniors

Philadelphia is home to the highest percentage of seniors among the nation’s ten largest cities. Approximately one in five seniors live at or well below the federal poverty level in Philadelphia. Almost half live below 200% of the poverty level. Research shows that at this income level, because of the additional hardships and expense of aging, seniors have difficulty paying for one or more of the basics: food, shelter and medication. SeniorLAW Center sees every day that low-income senior tenants are often the most vulnerable of tenants, facing challenges beyond those of the general tenant population. Many are dealing with the myriad challenges which may accompany aging but impact daily tasks, including mental health and physical health issues, cognitive, hearing, vision, mobility and other disabilities, hoarding, and other distinct needs. This crisis for seniors goes beyond the typical renter scenario. Many seniors who have lost their homes through mortgage foreclosure are likely now low-income tenants and may be facing new challenges in their senior years to find and maintain safe and habitable shelter.

Survivors of Domestic Violence

Domestic violence is often reported as a leading cause of homelessness, and 92% of homeless women have experienced severe physical or sexual abuse at some point in their lives. Domestic violence is a driver of homelessness due to 1) the immediate safety risk, and 2) financial insecurity. Financial abuse is experienced in 98% of abusive relationships, and victims of domestic violence in crisis without resources often need a safe place to reside as they are fleeing from violence. Yet, resources for women fleeing their abuser are scarce. Last year Women Against Abuse’s Hotline staff received more than 15,000 calls, 77% of which were from victims of domestic violence. Many were looking for safe shelter. Only 1,233 women and children received services due to lack of space in the emergency safe havens. Many victims of domestic violence were undoubtedly forced to return to an abusive household or double/triple up with their children in apartments and homes that are overcrowded and uninhabitable.

Veterans

Veterans make up more than 10% of the homeless population nationally. 20% of the homeless men in the United States are veterans. Nearly 70% of homeless veterans live in cities like Philadelphia. Over 50% of homeless veterans have disabilities, and about the same number suffer from serious mental illness, including Post Traumatic Stress Disorder (PTSD).

Nearly 40,000 veterans are homeless on any given night in the United States, and another 1.4 million are considered at risk of homelessness. In Philadelphia, many homeless veterans served in the wars in Vietnam, Afghanistan, and Iraq. Some are homeless because their discharge from the military makes them ineligible for VA healthcare and housing subsidies, while others are homeless because they suffer from PTSD but have been denied VA benefits, thereby rendering them unable to support themselves. Even though the VA has provided housing vouchers to a sizable number of veterans, many find themselves still being evicted when rental assistance funds are exhausted. Still others remain at risk of homelessness, living in unsafe and substandard housing because of landlords who are eager to accept VA/HUD rental assistance but unwilling to make critical repairs.
Common Issues:

The vast majority of our clients who seek legal aid services are living in rental properties. Our agencies constantly hear stories of clients paying exorbitant rents for properties that are infested with rodents and vermin, covered in mold, or full of backed-up sewage. Many are near a state of condemnation. Our clients often fall victim to the egregious practice of illegal lockouts when landlords ignore due process and the legally required procedures and simply change the locks on a tenant’s home. Illegal lockouts can be devastating and costly for our clients who may be locked out while they are temporarily away from their home, unfairly keeping them from shelter and all of their possessions, including their ID, vital medications, and other necessities of life. Unscrupulous landlords feel they can easily take advantage of these vulnerable groups, resulting in the extraordinarily harmful and dangerous impact of being left out in the cold without appropriate clothing, food or water.

Remedying illegal landlord practices is not easy. While there may be statutes or regulations addressing such practices, the reality unfolds differently. Clients are often afraid of filing a complaint with Licenses and Inspection (L&I) for fear of retaliation or, if the building in which they live is condemned, they fear becoming homeless. For families with children who may receive services in the home, parents fear risking DHS involvement if the home is deemed unfit. Seniors and people with disabilities fear being placed in nursing homes as their only alternative.

When our clients are faced with eviction or are living in substandard housing, they confront even more obstacles due to their particular situations. They do not know what protections are available, what remedies they can pursue, or how to navigate the complex legal system. They feel powerless and, in many instances, they are truly alone.

Many of our clients have never been a party in a judicial proceeding or have even been in a courtroom. They are at a disadvantage from the start. They are on the defensive and, despite the fact that many have viable defenses to the eviction or to at least abate the amount of rent owed, they are unaware of their options or right to fight back. The vast majority of landlords are represented and, without counsel to advise them, many tenants are wrongly pressured into signing payment agreements with their landlords that are either unaffordable or that include money that was not legally owed.

This is what our collective legal services agencies know:

Having an attorney is not a luxury – it is a necessity for the proper and fair handling of eviction cases in Landlord Tenant Court and to provide proactive legal services against slum lords who prey on vulnerable populations. We know that for many, having an attorney means the difference between having a home, facing homelessness, or living in a nursing home. Having an attorney means knowing one’s rights and standing up to enforce them.
Having an attorney meant that a child with profound cerebral palsy, completely dependent on technology to survive, was finally able to live safely in her home. Her landlord had ignored her mother’s pleas to address the property’s vermin problem for months and, as a result, she nearly died when a cockroach became lodged in her tracheotomy. Within days of receiving a demand letter from the family’s attorney, an exterminator was at the property to remedy the problem.

Having an attorney meant that a survivor of domestic violence and her three asthmatic children were finally able to relocate to a safe, healthy home after years of living in an apartment building overrun with mice and cockroaches, that reeked of urine and feces in the hallway, and that had the heavy smell of crack cocaine coming through the door that was too small for the frame.

Having an attorney meant that a senior who was illegally locked out of her home while at her doctor’s appointment could finally access her home, critical medication and necessities of life. With a simple phone call, the attorney was able open the door for her.

Having an attorney meant that a woman living with HIV whose unlicensed landlord retaliates against her for withholding rent by going to her apartment and illegally shutting off the gas and water, can get the water and gas turned back on and get legal assistance to prevent further violations of her rights.

Having an attorney meant that a woman who proudly served this country could continue to live in her home and would not become one of the tens of thousands of homeless veterans. The veteran received rental assistance for several months through a VA grant, and the landlord was happy to accept the money from the grant administrator. However, the landlord was simultaneously in breach of the lease by refusing to fix sewage and plumbing problems in her apartment. He also refused to replace a broken lock on her front door. When the tenant withheld a portion of her rent to pay for the repairs herself, the landlord filed for eviction. Only when a HAP lawyer showed pictures of the apartment to the landlord’s attorney in court did the landlord agreed to finally withdraw the complaint. Because of her attorney, her landlord’s unlawful attempt to evict her failed.

Philadelphians should not have to face these issues every day, but they do. And far too often, they do so without the benefit of counsel. However, this is a problem that can be fixed. Enhanced enforcement of existing City ordinances would result in change that can protect tenants from abusive landlord practices, uninhabitable living conditions, and wrongful evictions. A landlord should have a license to rent. If they do not, they should be fined and that fine should actually be collected. L&I violations should be taken seriously and inspections should take place. Landlords who do not comply should be sanctioned and monitored until the problem is resolved. No landlord should be licensed to rent if there are unresolved issues or known habitability concerns.

Having a lawyer is critical, yet access to services is scarce. We need more lawyers. We are part of the group of agencies that comprise the 6.7 full time legal aid attorneys that provided representation in eviction cases filed in Philadelphia Municipal Court in 2016. You have heard the number of eviction cases filed last year from the last panel. You also heard how underrepresented the defendants were. As a legal services community, we are working as hard as we can to protect as many clients as we can – but there are not enough of us. We need your help and are asking the City to join forces with us to help even the playing field in Municipal Court and in the City of Philadelphia so that our clients and their children, citizens of this city, can live safe, healthy lives.