Legislation Details (With Text)

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Title:	Ordinance amending Title VII Business Licensing, Article X Rental of Residential Housing Chapter 782 Temporary Eviction Regulation For Disease Prevention and Control Due to COVID-19 to strengthen its policy directives through certain technical and substantive revisions.		
Sponsors:	Deborah L. Gross		
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Date	Ver.	Action By	Action	Result
4/8/2021	3	Mayor	Signed by the Mayor	
4/6/2021	2	City Council	AMENDED BY SUBSTITUTE	Pass
4/6/2021	2	City Council	Passed Finally, As Amended	Pass
3/31/2021	2	Standing Committees	AMENDED BY SUBSTITUTE	Pass
3/31/2021	1	Standing Committees	Affirmatively Recommended as Amended	Pass
3/30/2021	1	City Council	Read and referred	
3/30/2021	1	City Council	Waived under Rule 8	Pass

Ordinance amending Title VII Business Licensing, Article X Rental of Residential Housing Chapter 782 Temporary Eviction Regulation For Disease Prevention and Control Due to COVID-19 to strengthen its policy directives through certain technical and substantive revisions.

WHEREAS, on March 3rd, 2021, Chapter 782, entitled Temporary Eviction Regulation For Disease Prevention and Control Due to COVID-19, took effect within the City of Pittsburgh, intending to address hardships arising from the COVID-19 pandemic by providing certain temporary eviction relief; and

WHEREAS, since that time, various stakeholders have further informed members of Council as to areas where Chapter 782 might be strengthened through certain technical and substantive revisions; and

WHEREAS, in addition to those findings made by Council via the recitals in Ordinance 6 of 2021, in support of enacting Chapter 782, Council would add the further findings presented immediately below; and

WHEREAS, numerous studies have documented a direct connection between evictions and COVID-19 infection rates and deaths, including the following:

a. Leifheit, et al., *Expiring state eviction moratoriums and CovId-19 incidence and mortality*

(2020)

b. Benfer, et al., *Pandemic Housing Policy: Examining the Relationship Among Eviction, Housing Instability, Health Inequity, and COVID-19 Transmission*, J. of Urban Health (2020)

c. Sheen, et al., *The effect of eviction moratoriums on the transmission of SARS-CoV-2* (2020); and

WHEREAS, Michael Levy, an epidemiologist at the University of Pennsylvania, predicts that a 1% eviction rate would result in a 5% to 10% higher incidence of COVID-19 infection, leading to approximately 1 death for every 60 evictions; and

WHEREAS, researchers have also found that eviction is a major driver of racial health inequities, particularly during the COVID-19 pandemic (Benfer, et al., *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy* (2021)); and

WHEREAS, residential evictions during a pandemic threaten the public health by exposing tenant households to crowded courtrooms, overcrowded living environments, transiency, limited access to healthcare, and a decreased ability to comply with pandemic mitigation strategies; and

WHEREAS, residential evictions during a pandemic threaten the health of not only the tenant households who are subject to eviction but also to the people who the members of those households come in contact with; and

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PITTSBURGH AS FOLLOWS

Section 1: The Pittsburgh Code of Ordinances shall be amended at Title VII Business Licensing, Article X Rental of Residential Housing, Chapter 782 Temporary Eviction Regulation For Disease Prevention and Control Due to COVID-19 as follows:
Chapter 782: Temporary Eviction Regulation For Disease Prevention and Control Due to COVID- 19
Section 782.00 Purpose and Intent:

(a) The City of Pittsburgh recognizes, in line with federal and state authorities that due to the economic and public health circumstances caused by the COVID-19 crisis, the general public health, safety, and welfare requires a temporary and limited regulation on the right to pursue eviction relief against residential tenants. This regulation is intended to protect a basic societal need for housing, the deprivation of which exacerbates the potential of increased community spread of COVID-19 due to unstable housing circumstances and unsheltered homelessness and is not to be construed as impacting a landlords' ability to obtain a judgment for contract damages or absolve tenants of any obligation to pay any amount of rent.

(b) This Section is intended to supplement rather than replace existing state and federal COVID -19 relief protections put into place to prevent residential evictions.

~~[Section 782.01 Definitions~~
~~Unless otherwise specified herein, the defined terms appearing herein shall be given the meanings listed in Section 781.01 of the City Code of Ordinances. In addition, the following words shall have the following meanings:~~

~~(a) Certification of COVID-19 Related Hardship. A signed written statement from a Tenant of a Rental Unit that said tenant has lost income due to the COVID-19 pandemic and setting forth facts that provide an explanation of the COVID-19 financial hardship suffered and how such hardship has rendered timely payment of rent impracticable.]~~

Section 782.0**1**[~~2~~] Residential Eviction Regulation.

~~[(a) A tenant may or may not present to a court of competent jurisdiction, as a defense to the remedy of eviction specifically and exclusively for non- payment of rent, a Certification of COVID-19 Related Hardship. This defense shall act to prevent the advancement of the remedy of eviction against a tenant for non-payment of rent. This section shall not be construed to limit any other rights or remedies available to a landlord at law or equity.]~~

(a)[~~(b)~~] No landlord may take action to [~~cause the~~] evict[~~ion,~~] **remove, or dispossess a** [~~of an individual or~~] household except for good cause. A landlord desiring to evict [~~an individual or household~~] may request a[~~n~~] **good cause** exemption from the Pittsburgh Commission on Human Relations upon proof of any of the following:

~~[(1)Non-payment of rent and utilities, including fees, penalties, and interest, unless such non-payment was due to substantial loss of household income or hours of work or wages due to loss of employment and/or medical expenses (both those that are COVID-19 related illnesses and pre-existing illnesses) sustained during the pandemic. Non-payment failure also includes late fees, penalties or interest unrelated to the aforementioned reasons.]~~

(1)[~~(2)~~]Conduct that presents an imminent threat to the health or safety of other residents, inhabitants**,** or property staff. [~~including criminal activity in the unit or housing premises, engaging in actions or behaviors that threaten the health or safety of other residents and violating any applicable building code or health ordinance relating to health and safety.]~~

~~**(b)**~~ **(2)**[~~(3)~~]Other [~~material~~] **serious** breach of the lease terms[~~, such as criminal conduct or damage to the property, ~~]or[~~other~~] compelling basis not specifically enumerated herein, which **constitutes the need for eviction including but not limited to violations of federal, state, or local law that directly relate to the occupancy or use of the unit or premises, criminal activity, destruction to the premises, disruption to other tenants, or failure to pay amounts due (so long as such failure to pay is not due to an inability to pay arising from a COVID-19 related hardship). For purposes of this Chapter, a COVID-19 related hardship may be demonstrated by credible evidence that said tenant has lost income due to the COVID-19 pandemic and setting forth facts that provide an explanation of the COVID-19 financial hardship suffered and how such hardship has rendered timely payment of rent impracticable.** [~~breach or other basis shall be strictly scrutinized to ensure that the negative effects of a residential eviction~~] [~~during the pandemic mitigated~~].[~~ are~~]

~~[(c) No landlord can refuse to renew a lease or terminate a lease due to previous tenant non-payment or lease term violation.]~~

[~~(d)~~] **(b)** The Pittsburgh Commission on Human Relations shall develop procedures for accepting and reviewing requests for exemption from the requirements of this Chapter, in partnership with such boards, authorities, and departments of the City and non- governmental entities as it finds appropriate. **The Commission shall also make outreach materials available regarding rental, mortgage, and other assistance programs relating to the COVID-19 pandemic.**

[~~(e)~~] **(c)** Violation of this Chapter shall be subject to a summary offence which ~~may lead to a fine of up to $10,000.~~ shall be punishable as follows:

(1) Any person who pursues [~~cause~~] the eviction or dispossession of an individual or a

household, without good cause as found by a court of competent jurisdiction, shall be subject to a fine of up to $1,000;

(2) Any person who pursues [~~causes~~] the eviction or dispossession of a household that includes one or more children under the age of 13, without good cause as found by a court of competent jurisdiction, shall be subject to a fine of up to $2,500;

(d) Violations of this Chapter may be enforced by any City department, bureau, [~~or~~] enforcement officer, or the Pittsburgh Commission on Human Relations [~~of the City~~], if so [~~as~~] designated by the Mayor.

Section 782.0[~~3~~]**2** Sunset.
This Chapter 782 shall expire upon termination of the City's Disaster Emergency Declaration or by City Council legislative termination, whichever is sooner.

Section 782.0[~~4~~]**3** Severability.
This Chapter 782 and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter 782 shall not be affected thereby.