

AIDS Law Project of Pennsylvania
Quality Assurance Review
Public/Private Housing and Utilities
July 1 – September 30, 2018

We are always concerned with the quality of our services, and proactively created a Quality Assurance Review to internally monitor our performance. Given the attorney's duty of confidentiality to clients, and the sensitive nature of the attorney-client privilege, all quality reviews are done in-house.

To assess the quality of our work, every year we review the housing cases we completed and closed in the 3rd quarter of the year (July 1 – September 30). Housing cases include those involving private landlord/tenant issues, public housing landlord/tenant issues, and utilities.

Between July 1 and September 30, we closed 51 files for clients who contacted the AIDS Law Project requesting legal assistance with housing issues. We provided direct representation and/or advocacy, legal information/advice, and/or referrals in 45 of the cases, which is 88% of all contacts.

Each individual who calls with a legal concern receives a thorough intake review with an attorney, paralegal, or legal intern who handles calls immediately and provides triage for persons in crisis. If the individual mentions being at risk of eviction, immediate advice is given. The staff person will advise that "self-help" evictions, evictions without a court order, are illegal; law enforcement may be contacted if a landlord changes the unit's locks or takes other action to force a tenant to vacate without a court order. The intake review ends with an explanation of AIDS Law Project's intake process. Each case is then reviewed by the Intake Team to determine an appropriate course of action.

Sometimes staff will represent the client in court. Other times, staff will help informally by negotiating an agreement with another party, such as a landlord or a mortgage company. Clients who need assistance in a practice area outside our scope of expertise (e.g., medical malpractice, personal injury, criminal defense) are referred to appropriate counsel. Callers who simply want information on their legal rights receive follow-up phone calls, meetings or written information.

This survey was performed by legal intern, Sarah Kim Eisenhard, who reviewed the housing cases closed in the third quarter of 2018. Sarah pulled the files for the cases and reviewed each one individually. Using the outcome section of our closing form as a guide along with the file notes, Sarah determined the outcome of each of these cases, compiled the data, and completed the report.

Between July 1 and September 30, 2018, the AIDS Law Project of Pennsylvania closed 51 cases for clients requesting legal assistance with a housing or utility matter.

- ❖ In 25 cases, clients received representation and/or advocacy. This category covers any instance when a staff member of the AIDS Law Project represented a client in a hearing or contacted a third party on behalf of a client.
- ❖ In 16 cases, we provided legal information/advice to clients. This is the broadest outcome category and includes almost any time a staff member spoke to a client, whether it was to give illegal lockout advice or to advise them on how to request repairs.
- ❖ In 4 cases, clients were provided with a referral.
- ❖ In 6 cases, clients asked for services not provided or were not reachable after the initial intake.

Public and Private Landlord Tenant Issues

25 cases

Representation and/or Advocacy – 17 cases

AIDS Law Project represented 13 clients facing eviction in court. 1 case was withdrawn without prejudice, so the client remained in their unit. 1 case ended in default judgment against the client when they did not appear in court; the client was then advised about the appeal process.

In the 11 other cases for which we provided court representation, we negotiated for a Judgment by Agreement (JBA). In 6 cases, clients agreed to vacate their units to avoid owing any money. In 3 cases, clients were able to remain in their units by agreeing to a payment plan for outstanding rent. In 1 case, the client vacated the unit and agreed to a payment plan for outstanding rent; this enabled the client to use grant funding to secure new housing. In 1 case, we helped a client reach a JBA to remain in the apartment with a payment plan. The landlord filed to evict the client for breach of the JBA twice for failure to make timely payments. We represented the client on both occasions. Though the client was evicted after the second breach, overall we secured 7 extra months for the client to remain in the unit.

In 1 case, we advocated to a housing subsidy provider and ensured a client would not be terminated from the subsidy program after their landlord's failure to timely renew their rental license.

In 1 case, we intervened with PECO and a landlord on behalf of a client after the landlord shut-off electricity in an attempted illegal, self-help eviction. The client did not reply to attempts to follow up.

In 1 case, we wrote a repair demand letter to a landlord explaining their legal responsibility to ensure the units they provide are safe and habitable. We then assisted the client with withholding their rent in an escrow account pending repairs, and helped them obtain a new subsidy so they could move.

In 1 case, a client believed their landlord was overcharging for water because two units shared one meter. We contacted the landlord to explain the client's legal right to usage information in billing, and advised the client about putting rent in escrow until the landlord complied.

Legal Information/Advice – 6 cases

In 3 cases, we informed clients about their rights when they contacted us after a legal eviction.

In 1 case, we confirmed for the client who fell behind in rental payments that their landlord had not yet filed to evict. The client and their case manager then negotiated a payment plan.

In 1 case, a client from Havertown asked for help because they were threatened with self-help eviction and their unit could not be kept warm in the winter. We advised them of their legal rights and the landlord's obligation to ensure units can be heated to at least 68 degrees by law in Delaware County.

In 1 case, a client was threatened with self-help eviction and their unit needed repairs. We informed the client of their legal protections, and advised them to call law enforcement and Licenses and Inspections; a repair demand letter was offered but the client did not respond to later communication.

Referral – 2 cases

As our office is based in Philadelphia, we limit our direct representation in landlord tenant cases to Philadelphia County. We referred 1 Montgomery County client facing eviction to Legal Aid of Southeastern PA and referred 1 New Jersey client to South Jersey Legal Services.

Repairs

6 cases

Representation and/or Advocacy – 4 cases

In 4 cases, clients asked for help addressing needed repairs including water leaks, pest infestations, and a missing smoke detector. In each case, we wrote a demand letter to the landlord, explaining their legal obligation to provide certain repairs. In 2 of those cases, clients confirmed all repairs were made. In 1 case, we arranged for the fire department to install a smoke detector for free. In 1 case, we received no response from the client after sending the demand letter.

Legal Information/Advice – 2 cases

In 1 case, a tenant was informed of their right to withhold rent due to an unaddressed mold issue. The client later confirmed their landlord resolved the issue without need for further intervention. In 1 case, a client asked about their landlord's responsibility to address bedbugs. We advised that per the client's lease, they were responsible for extermination if an infestation originated in their unit.

Security Deposits

1 case

Legal Information/Advice – 1 case

In 1 case, a client inquired about a landlord's obligation to return their security deposit. We advised about the relevant law and filing in small claims court if the landlord does not comply.

Utilities

5 cases

Representation and/or Advocacy – 2 cases

In 1 case, a landlord filed against a client for breach of a Judgment by Agreement because they did not have electric services. We contacted PECO and learned there was a theft of services on

the account history making the client ineligible for grant funding or budget programs. After consulting with colleagues at Community Legal Services, we determined there was no legal basis for appeal. The client was evicted for breach, but secured stable housing with a family member who had electricity.

In 1 case, we contacted Philadelphia Water Department (PWD) to reverse a client's water shut-off, enroll them in a budgeting program, and fix a broken pipe. PWD was required to confirm the client's photo identification; we provided advice on how to obtain needed identification documents.

Legal Information/Advice – 2 cases

In 1 case, a client's water bill was included in their rent, and water services shut-off after the landlord became unreachable and stopped collecting rent. We informed the client of their right to open services in their own name under the Utility Service Tenants' Right Act (USTRA).

In 1 case, a client received a PECO shut-off notice, and asked for help confirming the balance owed, enrolling in a payment plan, and getting a new case manager. We obtained documentation from PECO and referred them to AIDS Activities Coordinating Office (AACO) for new case management.

Referral –1 case

In 1 case, a client received a PECO shut-off notice, but was not eligible for grant funding or payment plans due to an account history of nonpayment. The client chose to move in with family who had electricity. We referred them to Legal Aid of Southeastern PA to seek bankruptcy for a fresh start.

Miscellaneous Housing Issues

14 cases

Representation and/or Advocacy – 2 cases

1 client sought a subsidized housing transfer because their placement negatively impacted their mental health conditions. AIDS Law Project filed a reasonable accommodation request for transfer. We confirmed the client would be considered for transfer to the next open vacancy.

1 client was told to vacate a shelter being converted into a hospice center. We contacted the center to advocate for the client, and confirmed they would be given another suitable housing option.

Legal Information/Advice – 5 cases

1 client asked about removing an eviction from their record. We advised that unfortunately, judgments may be vacated or marked satisfied, but cannot be expunged from the public record entirely.

1 client with a scheduled eviction per a Judgment by Agreement inquired about moving out later than planned; they had not yet found other housing. We explained only the landlord can choose to extend the time. We also provided information for local homeless shelters.

1 client received notices from the City of Philadelphia directing them to pay rent to the city and to answer provided interrogatories. We interviewed the client to answer the interrogatories. When the client received notice that an attachment placed on the landlord's property had been dissolved, we then advised the client to resume paying the landlord directly.

1 client asked us to review their housing subsidy following an increase of their portion of the rent. We reviewed their lease and recertification paperwork, and confirmed the correct calculations.

1 client asked for information after a family member passed away without a will, because they lived in the family member's home. We provided an overview of the intestate inheritance process, and explained the client's legal rights as a tenant in the home while the estate is settled.

Referral – 1 case

1 client called requesting resources to secure housing. We referred them to the AIDS Activities Coordinating Office (AACO), and confirmed the client was given a case manager to help seek housing.

No Service Provided – 2 cases

1 client contacted us for help with a noise issue, but did not respond to follow up contact. 1 client contacted us about grant funding reaching their new landlord, but chose to withdraw the intake.

Requests for Services Not Provided – 4 cases

In 4 cases, clients asked for help removing unwanted residents from property they owned or rented. AIDS Law Project does not assist individuals seeking to evict tenants, so these clients were cautioned against performing illegal self-help evictions but were