



Allegheny County Council

County of Allegheny
436 Grant Street
Pittsburgh, PA 15219
Phone (412) 350-6490
Fax (412) 350-6499

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Title: Motion of the Council of Allegheny County urging the Fifth Judicial District of Pennsylvania to evaluate and implement a mandatory diversion program with the goal of resolving eviction matters short of displacing large numbers of County residents from their homes.

Sponsors: Bethany Hallam, Olivia Bennett

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Motion of the Council of Allegheny County urging the Fifth Judicial District of Pennsylvania to evaluate and implement a mandatory diversion program with the goal of resolving eviction matters short of displacing large numbers of County residents from their homes.

WHEREAS, it is axiomatic that economic security is fundamental to public health, and that we as a society are only as healthy as those most vulnerable, least economically secure, and least covered by our social services; and

WHEREAS, it is accordingly clear that we must do all we can to keep people secure enough to take care of themselves, practice social distancing, have a location in which to shelter and store supplies, and endure a quarantine or treatment if required; and

WHEREAS, the World Health Organization (“WHO”) declared the COVID-19 outbreak a global pandemic, defined as the worldwide spread of a new virus for which most people do not have immunity; and

WHEREAS, as of May 7, 2021, Allegheny County is reporting that its residents have experienced a total of 98,532 cases of COVID-19, with 6,850 hospitalizations and 1,890 deaths since the pandemic began; and

WHEREAS, on November 18, 2020, the Allegheny County Health Department issued recommendations intended to reduce the incidence of new COVID-19 cases, specifically through the avoidance of all non-essential travel, as well as all nonessential public and private gatherings outside of individuals’ own households; and

WHEREAS, despite these precautions and the initial stages of vaccine availability, Allegheny County experienced a significant spike in new COVID cases in late 2020 and early 2021, and this spike has just begun to abate to any meaningful extent; and

WHEREAS, according to current models promulgated by healthdata.org, daily infections within the

Commonwealth of Pennsylvania are projected to remain between approximately 1,000 and 3,000 well into June 2021, depending upon the extent of mask usage, and the same entity projects that, with current mask usage rates, the daily new infections in the Commonwealth will remain at 500 or above through most of September 2021 ; and

WHEREAS, while COVID vaccine availability is steadily improving, the Commonwealth of Pennsylvania Department of Health is still reporting that only 39.9% of Allegheny County residents and 32.2% of all Pennsylvanians are fully vaccinated as of May 7, 2021; and

WHEREAS, significant demographic disparities exist in vaccination progress; according to the Commonwealth's Department of Health, only 18.7% of the County's African-American population and 4.4% of its Asian/Pacific Islander population have been fully vaccinated as of May 7, 2021; and

WHEREAS, a significant disparity also exists with regard to the gender of individuals receiving the vaccine in Allegheny County, with the PA Department of Health reporting that, while 259,569 of the County's female residents are fully vaccinated, only 195,507 of the County's male residents are fully vaccinated, as of May 7, 2021

WHEREAS, it is the judgment of Council that the health, safety, and well-being of the County's population would be endangered by a large number of evictions before a vaccine is widely available, administered to a significant portion of the population, and the racial and gender-based disparities in vaccinations is mitigated to the greatest extent possible; and

WHEREAS, while the Court of Common Pleas has resumed hearing proceedings for eviction due to lack of rental payments, it does not appear that the Court has established a mandatory diversion program geared toward avoiding evictions of vulnerable populations just as we are beginning to successfully mitigate the impacts of COVID-19; and

WHEREAS, the Court's mandatory diversion programs have proven to be both efficient and successful in reducing the deleterious effects of litigated decisions for individuals in a variety of circumstances, perhaps most notably (in the context of this motion) through the Residential Mortgage Foreclosure Program, which is specifically designed to amicably resolve mortgage foreclosures short of a court-ordered eviction of residents; and

WHEREAS, in early April of 2021, the Municipal Court of Philadelphia, which handles landlord tenant matters in that jurisdiction, issued an order requiring that all landlords apply to the City's rental assistance program and enroll in the Court's Eviction Diversion Program prior to filing an action for eviction based on nonpayment of rent, and establishes mandatory mediation prior to filing, as well; and

WHEREAS, it is accordingly the judgment of Council that a mandatory diversion program modeled upon the Municipal Court of Philadelphia's Eviction Diversion Program and designed to guide landlords and tenants to amicable resolutions and providing assistance with applications for rental assistance for eligible tenants as a condition of participation may prove to be a valuable tool to benefit landlords, tenants, and the public health of all County residents;

The Council of the County of Allegheny therefore hereby moves as follows:

Council hereby urges the Fifth Judicial District of Pennsylvania to create and implement a mandatory diversion

program for landlord-tenant cases based in whole or in part upon nonpayment of rent, with such program generally to be modeled after the Municipal Court of Philadelphia's Eviction Diversion Program, and with the goal of resolving such matters short of the forced eviction of County residents from their homes.