

September 28, 2022

Honorable James Kenney
Mayor of the City of Philadelphia
Sent via Electronic Mail

Dear Mayor Kenney,

We, the undersigned, are writing to express our sincere concerns over recent events at the University City Townhomes located at 3900 Market St., Philadelphia, PA, 19104, in how the City and Philadelphia Housing Authority (PHA) are supporting residents during this housing conversion set to expire on December 27, 2022, and to extend our support for the preservation of project-based section 8 housing in the City of Philadelphia.

First, the City of Philadelphia must demand that the owner, IBID, give individuals enough time to find alternative housing. As you are aware, IBID has provided notice of opt-out for a project-based section 8 contract located at the University City Townhomes. The contract was initially scheduled to [end on July 7, 2022](#) with a demolition to be scheduled sometime in the near future. However, in this case, even with the extension to the end of December, the majority of families still need to find housing, even though these are enhanced vouchers which should entitle the residents to remain onsite (at least until the demolition permit is secured and granted), but IBID is pushing for the residents to leave as soon as possible. So far, 20 tenants have left, feeling pressure to leave before finding a suitable and appropriate unit for their family. Because the realities of the voucher housing search and leasing process are severely out of line with its legal requirements, the City, PHA, and HUD must take all necessary steps to ensure that any impending eviction or demolition comply strictly with HUD's rules and regulations, as well as with the Fair Housing Act to ensure that families are not displaced and/or made homeless by the opt-out and loss of affordable housing in their community.

HUD NOTICE PIH 2001-41 (HA) refers to [Section 8 Tenant-Based Assistance \(Enhanced and Regular Housing Choice Vouchers\) For Housing Conversion Actions](#). In reference to the term of the voucher, it states, "since these vouchers are targeted to specific families adversely affected by HUD or owner actions in HUD multifamily projects, the PHA is encouraged and expected to provide families with maximum search time that is reasonably required to locate housing." (Pg 7). Federal law grants additional protections for persons in protected categories. In some instances, it may be necessary to grant a reasonable accommodation in the form of additional time to move and assistance to transition to a new home with dignity, to minimize disruption and displacement, and avoid life-altering homelessness, or in some cases, death.

As organizations with national expertise on housing law, we believe that it would be heinous to remove elderly and disabled people through eviction or ejection in a hurry to meet the objectives of selling the property for a gross profit. **We strongly urge the City and Owner to provide residents enough time to find a resolution for all parties involved and for HUD to take what actions are necessary to protect the rights of tenants with enhanced vouchers.**

Secondly, the City of Philadelphia should engage in a process to preserve the UC-Townhomes. In President Biden's first week in office, he issued a directive that HUD take actions that undo historic patterns of segregation and other types of discrimination in a manner that affirmatively furthers fair housing. The administration acknowledged the federal government's role in promoting discrimination in housing and cutting communities of color off from high-quality housing, jobs, public transit and other resources. Certain federal agencies and those entities that receive federal housing and community development funds must affirmatively further fair housing (AFFH). The duty to AFFH mandates that all executive departments and agencies administer their programs and activities relating to housing and community development (including any federal agency having regulatory or supervisory authority over financial institutions) in manner designed to take meaningful actions to overcome patterns of segregation, improve housing choice and unequal access to housing opportunities, and foster inclusive communities. In furtherance of this directive, Secretary Fudge reinstated the [Obama Administration's Affirmatively Furthering Fair Housing \(AFFH\) rule, effective July 31, 2021](#). Under the restored AFFH rule, municipalities must regularly certify compliance with the Fair Housing Act and commit to taking steps to remedy their unique fair housing issues.

Philadelphia completed its 2016 [Assessment of Fair Housing](#) (AFH) in compliance with the 2015 AFFH rule, and recently updated the Assessment of Fair Housing for 2022. Based on the feedback received through the public comment process, in particular from extensive meetings with stakeholders, the City and PHA identified 11 broad goals – along with 52 specific strategies – in its final AFH. The goals and strategies provided a framework for action to address fair housing issues in the coming years including efforts to be undertaken by the City, the Philadelphia Housing Authority and a wide range of community stakeholders. One of the goals included: **Preserve existing affordable rental housing. This goal focuses on expanding programs and investments to prevent the loss of affordable rental units, especially in appreciating markets.** Part of the strategy included issuing RFPs leveraging state/local/fed resources as well as a Preservation RFP issued annually contingent upon available funding (*pg 319*). Philadelphia's leaders must bolster the protections afforded to tenants, and develop real solutions when opt-out cannot be avoided.

Expanding community ownership models, such as community land trusts and tenant/community opportunity to purchase (TOPA/COPA), and increasing funding for

affordable and subsidized housing production and preservation will meaningfully impact Philadelphia's ability to create and maintain critical affordable housing stock. Several cities and states demonstrate how funds can be used for equitable land and housing acquisition and the development and *preservation* of low-income rental and homeownership opportunities:

1. Rhode Island allocated \$12 million in recovery funds to the Rhode Island Housing and Mortgage Finance Corporation to acquire properties for redevelopment as affordable and supportive housing.
2. Chesterfield County, Virginia invested \$4 million into a housing trust fund to create stable housing for low-income communities disproportionately impacted by the pandemic.
3. Kansas City, Missouri will add \$12,500,000 to its new housing trust fund to support the production of new affordable housing units
4. Hamilton County, Ohio, used ARPA funds to allocate \$20 million toward the production of new multifamily and single-family affordable housing for low- and moderate-income households.

An [updated AFH draft](#) was released May 27, 2022 and comments were received until July 29, 2022. We support Philadelphia in its continued voluntary compliance with the AFFH rule under the Fair Housing Act.

Currently, IBID has been removing key infrastructure from the units to signal that they plan on demolishing the property. They have removed water heaters and heating units as an extraordinary move to decrease the prospects of preserving this housing stock. As a future partner, we implore you to engage IBID and all relevant parties in talks to come to a reasonable solution and to contribute resources for a third party interested in preserving the property as affordable housing to make a bona-fide offer.

We, the undersigned, urge the City, PHA, and HUD to work with IBID in providing residents with the "maximum search time" to use their vouchers to find adequate and safe housing appropriate for each family's circumstances. We also strongly urge the City, HUD, and IBID to explore all available options and mechanisms for preserving the UC Townhomes as affordable housing, supporting the implementation of Philadelphia's strategic goals of preservation of affordable rental housing and continued compliance with all civil rights obligations, including the duty to affirmatively further fair housing. As national housing and homeless policy, legal, and advocacy organizations, we offer our support and expertise towards realizing these goals and preventing the life-altering displacement of 70 Philadelphia families and the destruction of a community.

Sincerely,

National Homelessness Law Center
National Housing Law Project
National Low Income Housing Coalition
PolicyLink

cc:

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