

City of Pittsburgh, City Council, Ordinance, File No. 2021-1237 (Ordinance 6 of 2021, Chapter 782 Temporary Eviction Regulation for Disease Prevention and Control Due to COVID-19)

Enactment No.: 6 **Enactment date:** 2021-03-02 **Passed:** 2021-03-02 **Introduced:** 2021-02-23

Title: Ordinance amending Title VII Business Licensing, Article X Rental of Residential Housing by including new Chapter 782 Temporary Eviction Regulation For Disease Prevention and Control Due to COVID-19. (Briefing and Executive Session held 2/25/21)

Text as published by the City Clerk of Pittsburgh through the Legistar Web API (public legislative record): <https://webapi.legistar.com/v1/pittsburgh/Matters/26069/Texts/27367>; matter record [Matters/26069](https://webapi.legistar.com/v1/pittsburgh/Matters/26069); public page <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=26069>. Retrieved September 26, 2026 (StenTam ERC Practice Defense, Orders Library, MET-PIT).

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Ordinance amending Title VII Business Licensing, Article X Rental of Residential Housing by including new Chapter 782 Temporary Eviction Regulation For Disease Prevention and Control Due to COVID-19.

(Briefing and Executive Session held 2/25/21)

..Body

WHEREAS, on March 13, 2020, The Mayor issued a Declaration of Disaster Emergency in response to local impact of the COVID-19 global pandemic, which was first ratified by City Council on March 17, 2020; and,

WHEREAS, the Declaration of Disaster Emergency has been renewed periodically, most recently ratified by Council on February 16, 2020, to be effective through March 16, 2021; and

WHEREAS, reported nation-wide data about COVID-19 cases indicates that compliance with recommended social distancing practices prevents community spread and surges in cases that can overwhelm healthcare systems; and

WHEREAS, if landlords are able to dispossess tenants from safe shelter for non-payment of rent when they have no financial resources to secure their own safe housing, these residents will be driven into situations that exacerbate the negative impacts of the pandemic, threatening themselves, their families, and the entire community; and

WHEREAS, on March 16, 2020, the Supreme Court of Pennsylvania issued Orders to prevent the Judiciary from effectuating an eviction, ejectment or other displacement from a residence; and

WHEREAS, currently, the President Judge of the Fifth Judicial District in which Pittsburgh is located has ordered an eviction moratorium on hearing specified claims through February 26, 2021; however, each Council District in the City has received reports of a concerning number of eviction proceedings still occurring during the court's stay with District 1 reporting 1; District 2 reporting 42; District 3 reporting 5; District 4 reporting 18; District 5 reporting 63; District 6 reporting 12; District 7 reporting 23; District 8 reporting 8; and District 9 reporting 43; and

WHEREAS, according to published census data, 71,136 of Pittsburgh's 136,275 households, i.e. more than half, live in rental units; and

WHEREAS, many rental units in Pittsburgh are owned by landlords owning a small number of properties; and

WHEREAS, approximately 26% of the funds reflected in the City's current operating budget are from real property taxes; and

WHEREAS, a 2019 Report from Allegheny County Department of Human Services (DHS) and the Pittsburgh Foundation about eviction cases in Allegheny County shows that more than two thirds of the eviction cases initiated by private landlords result in a "Pay and Stay Order" intended to allow the tenancy to continue on condition that the rent arrears are satisfied within an agreed time period; and

WHEREAS, the typical time frame from the date the eviction complaint is filed to the payment deadline or the tenant loses possession ranges from 22 to 42 days; and

WHEREAS, pandemic-related unemployment continues to strain household financial resources for many residents; and

WHEREAS, as this data suggests, many local landlords use eviction proceedings as leverage to receive payment of overdue rent and will only remove the tenant from the dwelling as a last resort: While this method imposes an additional cost on the tenant, the landlord's hoped-for outcome is only realistic if the tenant has funds available to satisfy the obligation; and

WHEREAS, the negative impact of residential tenant evictions during the COVID-19 pandemic on the lives of Pittsburgh residents exacerbates the current pandemic-related public health emergency in the City of Pittsburgh; and

WHEREAS, in November 2020, relying on Allegheny County Department of Human Services data current as of August, 2020, it was estimated that an increased number of people were experiencing homelessness, including a 240% increase of people experiencing unsheltered homelessness compared to 2019. Those numbers could become higher as the pandemic stretches on, and factors, such as continued unemployment and evictions could lead to people being in need of shelter over the next few months; and

WHEREAS, the City has received funding from the U.S. Department of the Treasury for the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 in the amount of Eight Million, Nine Hundred Forty-Seven Thousand Six Hundred Dollars and Fifty Cents (\$8,947,600.50) to fund an emergency rental assistance program, which will provide funding for eligible tenants and landlords in the City of Pittsburgh to apply for beginning in March 2021; and

WHEREAS, such funding is primarily to be used for direct financial assistance, including rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing; and

WHEREAS, in conjunction with the distribution of CARES Act funding, this Section regulating evictions will assist residents insofar as preventing residential evictions stemming from COVID- 19 will help reduce the spread of the pandemic and assist with averting a housing emergency in the City of

Pittsburgh.

WHEREAS, imposition of a regulation on evictions from residential leaseholds during the present phase of COVID-19 is an appropriate and reasonable method to advance the significant and legitimate public purpose of addressing the current public health needs of the residents of the City of Pittsburgh; and

WHEREAS, the City of Pittsburgh is authorized to impose a regulation on evictions for disease prevention and control of the effects of the current local disaster emergency relating to COVID19 pursuant to the Home Rule Charter and Optional Plans Law, Pittsburgh's Charter, Pittsburgh's Code of Ordinances, the Disease Prevention and Control Law, and applicable municipal laws including traditional police powers; and

WHEREAS, in undertaking these regulations, the City is seeking to protect the welfare of its residents in a temporary manner during a local disaster emergency; however, it does not seek to disturb a landlord's ability to obtain a judgment for contract damages where appropriate and likewise does not absolve tenants of any obligation to pay any amount of rent due under applicable contracts or law.

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 by including a new 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 782.02 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.

(b) No landlord may take action to cause the eviction of an individual or household except for good

cause. A landlord desiring to evict an individual or household may request an exemption from the Pittsburgh Commission on Human Relations upon proof of any of the following:

- (1) Non-payment of rent and utilities, 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). Non-payment failure also includes late fees, penalties or interest unrelated to the aforementioned reasons.
 - (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.
 - (3) Other material breach of the lease terms, such as criminal conduct or damage to the property, or other compelling basis not specifically enumerated herein, which breach or other basis shall be strictly scrutinized to ensure that the negative effects of a residential eviction during the pandemic mitigated.
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- (c) No landlord can refuse to renew a lease or terminate a lease due to previous tenant non-payment or lease term violation.
 - (d) 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.
 - (e) Violation of this Chapter shall be subject to a summary offence which may lead to a fine of up to \$10,000.

Section 782.03 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 782.04 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.