

HOMEOWNERS ASSOCIATION OF PHILADELPHIA



1120-A BUTTONWOOD STREET • PHILADELPHIA, PA. 19123
Tel. 215-684-1684 • Fax 215-684-1683
www.HAPCOASSOC.com

TESTIMONY

In Comment upon

House Bill No. 809 Session of 2015

Amending Title 53 re: *Occupation of Dwelling Units*

The Homeowners Association of Philadelphia (HAPCO) is the Commonwealth's largest membership organization for the providers of low to moderate income private rental housing. Our membership owns primarily single-family and duplex rentals in Philadelphia and the surrounding counties. The organization is a constituent member of PROA, the Pennsylvania Residential Owners Association, representing the landlords of Pennsylvania across the state. We testify in favor of the Bill.

The Bill proposes a fair remedy to a significant societal discrimination. It may have seemed fair in the past to discriminate against people simply because they were "unrelated". In our day, the very definitions of marriage and family have altered. A statutory preference for "*family*" as opposed to "*unrelated*" certainly reflected the social structure preferred by legislators of years long past. In this age, when marriage for better or worse is often the exception not the rule, there is certainly a blurred line between family and those who are "unrelated". HB 809 recognizes the present reality. Municipalities can ordain as they see fit against "unrelated individuals" living together, but there are assuredly as many violations of these laws against unrelated households, as there are households of compliance.

The Bill further recognizes the discriminatory nature of disallowing individuals to live together just because they are matriculating at a college. We recognize neighborhood discontent over students living rowdily in Animal House. Forbidding an entire class of people from living together, however, simply because of their status, is certainly unfair and may well border on the Unconstitutional, especially as definitions of family and personal rights expands. Can the law demand that Nurses cannot live together? Lawyers? Biker clubs? How then are otherwise law-abiding "students" permissibly denied the right to live with whom they choose. HB 809 strikes the balance legislatively, and with due concern and provision for neighborhood rights. There is certainly a balance between the rights of individuals to reside, in law-abiding fashion, with whom they choose, and the rights to quiet enjoyment of property by other residents. The Bill's provisions as to parking, and assurance of health and safety concerns, are appropriate restraints, as are the myriad of already existing laws of good conduct expected of every citizen. These appropriately raised Civil Rights issues should be resolved by the Legislature, and not the Courts. HB 809 effectively accomplishes a fair resolution.

HAPCO: Advocating for Rental Property Owners Since 1954

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Testimony re:
HB No. 809



In addition to the Civil Rights issues, there are Property Rights issues as well. To forbid an owner of property from renting to an individual solely because of that person's status as a student is a significant interference with the property rights of the owner. Whether that is constitutionally permissible or not, the fact is that the owners of these properties suffer significant financial problems, due to the inability to utilize their property in a reasonable fashion. Local residents seek pristine personal conduct on their streets, yet blatant misconduct is just as often occasioned by non-students or a fully intact "family".

Homes built in prior centuries, often very large and unaffordable by today's real estate market, simply cannot be operated successfully if the population base of the area is students, but the owner cannot rent to those students. The results of properties that cannot be rented are deteriorated properties, becoming tax delinquent, and a blighting influence. Fairness to property owners, and a municipality's own best interests, dictate that lawful use of real estate should be permitted, so the streets and neighborhoods are maintained and inhabited, not abandoned and blighted.

This discrimination against students is often at the behest not just of local residents. The argument in favor of discriminating against students is advanced by the most massive landlords in the area, which generally are the colleges and universities themselves. Their interest is not in the quality of the neighborhood, but rather preserving their own financial interests in requiring that their students live in housing that they provide and charge for. These colleges and institutions, being tax-free as they are despite their mega-corporate status, should not be permitted free right to rent to students, while the decent owners of private rental properties are forbidden to do so.

The Bill is appropriate and fair to resolve all of these concerns. The thousands of members of our organization, representing hundreds of thousands of housing units across the region, would urge your favorable adoption.