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Fair Housing Update: PA Supreme Court Strikes Ordinance Requiring Pittsburgh Landlords to Accept Section 8 Vouchers

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Last week, the Pennsylvania Supreme Court issued a decision that affirms the Commonwealth Court’s ruling that the City of Pittsburgh **cannot** require landlords in the city to participate in the federal Section 8 voucher program, a huge win for landlords.

This decision settles a six-year controversy that arose when Pittsburgh enacted Ordinance 2015-2062, which expanded the fair housing protected classes in the city to include “source of income.” The Commonwealth Court observed that before the ordinance was enacted, a landlord’s participation in the Section 8 program was wholly voluntary, but that the ordinance effectively required all landlords to participate in the Section 8 program. As a result, the Commonwealth Court found that the ordinance created and imposed upon landlords “duties, responsibilities and requirements,” in violation of the Home Rule Charter.

In October 2019, the Pennsylvania Supreme Court’s decision in *Apartment Association of Metropolitan Pittsburgh v. Pittsburgh* vacated the Commonwealth Court’s earlier order, directing that the Commonwealth Court reconsider its order in light of the Supreme Court’s subsequent decision in *Pennsylvania Restaurant and Lodging Ass’n v. City of Pittsburgh*. The Commonwealth Court did, and in April 2020 came to the same conclusion as in its prior decision.

The city filed a petition in May 2020 asking the Supreme Court to review the Commonwealth Court’s April 2020 decision, and on October 21, 2021, the Supreme Court affirmed the Commonwealth Court’s ruling. In so doing, the Supreme Court recognized that participation in the Section 8 program **is voluntary**, and declared that the City of Pittsburgh cannot require landlords to participate in it. As a result, Ordinance 2015-2062 will not be effective, and landlords in Pittsburgh still have the right to choose not to participate in the Section 8 program.

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