

AAMP wins lawsuit: Judge strikes down "invalid and unenforceable" Pittsburgh ordinance requiring landlords to accept federal housing vouchers

Siding with arguments presented by the Apartment Association of Metropolitan Pittsburgh (AAMP), the Allegheny County Court of Common Pleas ruled last month that the City of Pittsburgh's "source of income" ordinance is invalid and unenforceable. As expected, the City of Pittsburgh filed a notice of appeal to the Commonwealth Court.

In late 2015, the City of Pittsburgh adopted an ordinance which expanded areas of discrimination to include the source of income. The ordinance was specifically intended to require landlords to not only accept Housing Choice (Section 8) Vouchers as income for payment of rent, but to mandate participation in the voluntary federal Section 8 program.

In early 2016, AAMP followed through on its objections to the ordinance by filing a complaint in Allegheny County's Court of Common Pleas seeking a stay of the enforcement of the ordinance and asked that it be ruled invalid. Based on prior court decisions, it was AAMP's opinion that the City had overreached municipal powers by placing affirmative duties on business practices, in this case, landlords in the City of Pittsburgh. Our request for a stay on the enforcement of the ordinance was immediately granted while the parties in the case submitted its filings and scheduled hearings on the matter. After two years of motions, pleadings and responses, the Court held oral argument on AAMP's motion for Summary Judgment in January 2018. Less than six weeks later, Judge James issued his opinion agreeing with AAMP that the city's ordinance "makes participation in the in the Section 8 program mandatory." In ruling that the ordinance is "invalid and unenforceable," Judge James said that "[l]andlords will be forced to comply with the numerous and often burdensome requirements of the Section 8 program."

As indicated above, the City of Pittsburgh has appealed the decision, as it has two other similar cases involving the City overstepping its powers in regulating businesses currently in the State's Supreme Court. **However, this is a major victory for the association, who is the sole plaintiff in the case, and for our members who would be severely impacted if the ordinance had not gone unchallenged.**

WE WANT TO THANK ALL WHO HAVE CONTRIBUTED TO AAMP'S LEGAL ACTION FUND TO HELP US GET TO THIS POINT ... HOWEVER, OUR FIGHT HERE IS NOT OVER. Please contribute to the AAMP Legal Action Fund so that we can continue the battle in Commonwealth Court on your behalf.