

COVID-19 has caused many households across the U.S to lose their income. Many families are struggling to pay rent during this time, and they are worried about eviction. Here are some tips and information about the eviction process in Pennsylvania to help prepare for this possibility.

When can I be evicted?

First, it is important to know that there is currently an executive order in place in Pennsylvania which prevents tenants from being evicted through August 31, 2020. This order may be extended. You can check the [Housing Equality Center of Pennsylvania's website](#) for updated information.

Without the current executive order in place for COVID-19, a tenant CAN be evicted for not paying rent on time, breaking the terms of the lease, or staying in the property after the lease ends. In Pennsylvania, tenants CANNOT be evicted because of their race, color, religion, ancestry, national origin, sex, age, or due to a disability, pregnancy, or having children. Allegheny County has additional laws protecting tenants from discrimination based on sexual orientation, gender identity or expression, and marital status. The City of Pittsburgh also protects tenants from discrimination based on place of birth and status as a survivor of domestic violence. If you believe you are being evicted for any of these reasons, contact the Commission on Human Relations, Fair Housing Partnership, or Neighborhood Legal Services.

How can I avoid eviction?

It is usually better to reach out to your landlord ahead of time if you are unable to pay rent on time. Many landlords will be willing to set up a payment plan. It is best to try to resolve the issue before the eviction process begins, because an eviction record can negatively affect your credit history and ability to rent in the future.

Read your lease carefully. Some landlords will include a grace period for paying rent, so the payment may not be considered officially late until a few days after rent is due. Although landlords may start the eviction process on the first day that rent is considered late, many landlords will reach out to you first to request the payment (especially if you have consistently paid on time in the past).

Apply for rental assistance. There are many organizations currently that are providing rental assistance to those who lost income due to COVID-19. If you are an immigrant who needs help applying for these programs, please contact us.

Can the landlord force me to move out on their own?

No. The landlord cannot change the locks, remove your possessions, turn off utilities (even if the utilities are in the landlord's name and you have not paid the utility bills), or force you to move out on their own. They must follow the legal steps listed below in order to evict you.

How long does the eviction process take?

At minimum, the eviction process takes at least 37 days from the date you receive the first eviction notice to the date you are forcibly removed from the property. *You do not have to move out immediately when you receive the first notice.* There are several steps for the eviction process.

Notice to Quit: The landlord starts the eviction process by giving you an eviction notice, called a Notice to Quit. The Notice to Quit must be given to you in writing either in person or posted on the door of your residence. This document does not need to be filed through the court system.

Eviction due to nonpayment of rent: Once you receive the Notice to Quit, you have 10 days to either pay rent or leave the property before further action can be taken. If you pay rent within the 10 days, you cannot be evicted. If you leave the property within 10 days without paying rent, the landlord can use the security deposit to cover rent. The landlord can sue you for any remaining debt. If you do not pay rent or leave the property within 10 days, the landlord can file a complaint with the Magisterial District Judge. Note: If the eviction case is *only* for nonpayment of rent, you may stop the eviction at any point before you are actually evicted by paying the amount the Magisterial District Judge ordered, including court costs. This is called the right to pay and stay. Note that the court costs go up if the landlord requests an Order for Possession, so it is best to pay as soon as possible.

Eviction due to a breach of the lease or end of lease term: Once you receive the Notice to Quit, you have 15 days to move out for leases 1 year or less, or 30 days for leases more than 1 year (unless otherwise noted in the lease). After the 15-30 days, the landlord may then file a complaint with the Magisterial District Judge.

Court Hearing: If you do not pay rent or move out within the allotted time and the landlord files a complaint with the Magisterial District Judge, a hearing will be scheduled in 7-15 days and you will receive a hearing notice. At the hearing, the landlord may ask for possession of the property or money for unpaid rent or damages to the property. You have the right to appear at the hearing and bring any witnesses or evidence with you. If the landlord fails to appear at the hearing, you should ask for the case to be dismissed.

The judge will make a decision, called a judgement, either at the hearing or within 3 weeks of the hearing. A copy of the judgement will be sent to you. Again, if the eviction case is only for nonpayment of rent, you can stop the eviction process by paying what is owed.

Appeal: If you lose at the hearing but believe you have a good defense, you may appeal to a higher court. You only have 10 days to file the appeal. If you want to appeal, you should seek legal advice immediately after the hearing.

Tenants must pay the court when they file the appeal either the amount of rent in the judgment or 3 month's rent, whichever is less, unless they can show that they are low-income, in which case they will only be required to pay 1/3 of their monthly rent to the court to file the appeal. They will then have to pay the remaining 2/3 within 20 days. If they already paid the rent of the month in which they appeal or the Magisterial District Judge determined that they didn't owe

rent, then they do not have to pay anything to appeal. Tenants are required to pay their ongoing rent into escrow with the court while the appeal is pending.

Order for Possession: If the judge grants possession of the property to the landlord, the landlord must wait 10 days from the date of the decision. They can then go back to the Magisterial District Judge and obtain an Order for Possession. A constable or sheriff's deputy will deliver the Order for Possession to you. This document will tell you the date you have to move out by. That date cannot be less than 10 days from the day the Order for Possession was issued.

Forced Removal: If you have not moved out by the date listed on the Order for Possession and there is no pending appeal, the constable or sheriff's deputy will forcibly remove you from the property at that time.

How do I get an interpreter for my hearing?

To request an interpreter at a court hearing in Allegheny County, download the interpreter request form at the [Allegheny County Courts website](#) and submit it via email (courtaccess@alleghencycourts.us), mail, or fax (412-350-5083). You will need the information from the hearing notice to complete the form. [More information about interpretation access and what to expect can be found here.](#)

Sources

- PALawHelp.org
- Pittsburgh Commission on Human Relations
- Fair Housing Partnership of Greater Pittsburgh
- Housing Equality Center of Pennsylvania