



# Legal Aid of Southeastern PA

Eviction Defense in a Covid-19 World.

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LASP provides free civil legal services to low income clients in Bucks, Montgomery, Delaware and Chester counties.

Practice Areas

- Family law
- Domestic Violence
- Housing
- Bankruptcy & Consumer law
- Unemployment Compensation
- Public Benefits
- SSI/SSDI
- Dependency
- Expungements
- Elder Law



# The Who and the Why?

An estimated **2.3 million evictions** were filed in America in 2016, about **6,300 people a day**.

There was roughly **1 eviction filing for every 17 renter households** between 2000 - 2016.

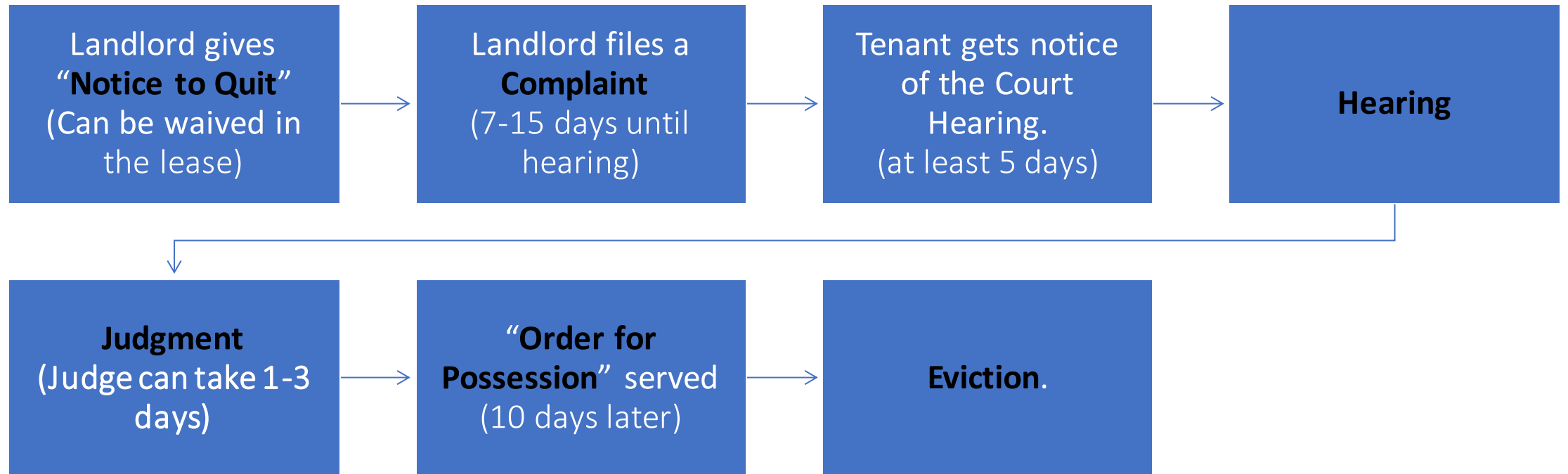
Most poor renting families spend **at least half of their income** on housing costs, with one in four of those families spending **over 70 percent of their income** just on rent and utilities.

Low-income women, especially **poor women of color**, have a high risk of eviction.

\*Data from Princeton University's Eviction Lab (<https://evictionlab.org/>) and Matthew Desmond's book "Evicted".



# How do Evictions happen in Pennsylvania?





## Illegal Evictions

### What are they?

- Landlords may only evict by valid court order!
- Evictions are executed by the Sheriff or Constable, not the landlord.
- Can't throw out tenant's belongings, turn-off utilities, take doors/windows off

### What to do?

- Call the police – show proof you are a tenant.
- Call Legal Aid (877-429-5994) and the Attorney General (800-441-2555)
- Keep proof of tenancy outside your home (e.g. in your car, with a trusted neighbor)



## Why can a landlord evict?

- Tenant doesn't pay rent,
- Tenant commits a lease violation of an oral or written lease, or
- the lease term has ended.

# Why can't a landlord evict?

## FAIR HOUSING ACT



DISABILITY



RACE



SEX



COLOR



NATIONAL  
ORIGIN



RELIGION



FAMILY  
STATUS

- Under PA law, age (40+)
- Check local ordinances: Eg: Swarthmore & Springfield prohibit discrimination based on sexual orientation/gender identity.
- *Reasonable Accommodation*: change or exception to lease term or landlord's policy/practice to accommodate tenant's disability. Assigned parking space: Yes! Install elevator: No.

# Post Judgment

## 10 day appeal (supersedeas):

- Tenant must pay appeal fee (or get fee waived), monthly rent, and bond.
- If tenant is low-income, or on Section 8, they don't have to pay bond. (affidavit)
- Tenant can stay in the property while appeal is pending.

## 30 day appeal:

- To appeal the money judgment only.
- Tenant must move out.
- Must pay appeal fee (or get it waived).

Pay and Stay: if eviction is for non-payment of rent only, tenant can pay what they owe, with court costs, prior to eviction and stay.

Judgments are garnishable, public record, and can affect credit rating.



# Coronavirus Protections

**07/02/30 - PA Gov. Wolf Eviction/Foreclosure Moratorium:** Gov. Tom Wolf [announced](#) a new executive [order](#) which prohibits most new eviction and foreclosure actions from being started through 08/31/20.

- Applies only to non-payment, or end of lease term cases.
- May not apply if foreclosure or eviction was started before 03/18/20.
- May not apply if tenant waives "Notice to Quit" in the lease.

**03/27/20 – Coronavirus Aid, Relief, and Economic Security Act (“[CARES Act](#)”)** enacted which prevents the filing of new evictions for certain properties for non-payment of rent.

Eviction protections §4024 (Expire 07/24/20)

- Properties covered: VAWA covered programs (i.e. most subsidized housing), the Rural Housing Voucher Program, and properties with federally backed mortgage loans.
- Prohibits charging fees, penalties, or other charges to the tenant related to nonpayment of rent.

# Coronavirus Protections cont...

(§ [4024](#) continued...)

- Requires landlords that receive forbearances of federally backed multifamily (4+ units) mortgage loans that go past the 07/25/20 must respect identical renter protections for the duration of the forbearance. (§ [4023\(d\)](#)). (6/29/2020 FHFA [announces](#) extended protections)
- Requires landlords to give 30 days' notice for eviction following the end of the moratorium.

**07/16/20 – PA Supreme Court entered an [Order](#)**: requiring all landlords that file for possession against tenants to file an [Affidavit of Compliance](#) with the CARES Act.

# PA CARES Rent Relief Program

- \$150 million available for rent assistance to help people affected by Covid-19.
- Deadline to apply: 09/30/20
- Applications at: <https://www.phfa.org/pacares/>
- Maximum grant = \$750/month for 6 months (\$4,500).

## Who is eligible?

- Renter's total household income can't exceed the Median Area Income for their county AND,
- Renter can document at least a 30% reduction in income since March 1, 2020, related to Covid-19 OR,
- Renter became unemployed after March 1, 2020 as a result of Covid-19.

# PA CARES Rent Relief Program continued...

## Required Documentation:

- Three part application must be completed by tenant and landlord. (lease/oral lease, 3<sup>rd</sup> party address verification, proof of income, proof landlord owns property, landlord property certification/tax compliance).

## Required Waivers:

- Landlord receiving funds must agree to waive any obligation of tenant to pay any past or future rent for months which the funds were received.
- Landlord must also agree to hold off on eviction proceedings or evicting tenants for 60 days from the date rent was due within the last month assistance was provided.

## Case Study

Michelle lives in a one bedroom apartment with her five year old son. The son's father was living with them and paying half the rent, but the couple has been fighting recently and according to the client he has gone to live with his mother for "a while". Michelle says that the father has been at home drinking more recently because he has been unable to work since his construction job was shut down due to the Coronavirus. Mom refuses to leave her son alone with Dad while he's drinking, and now Dad is refusing to pay his half of the rent for the past two months because he's not seeing his son. The landlord is mad that she hasn't received her money and has now sent a "Notice to Quit." Michelle comes to you worried about her housing.



# Repairs

- Document, document, document.
- “Implied Warranty of Habitability”: landlord must provide safe and sanitary conditions. [\*Pugh v. Holmes\* , 486 Pa. 272, 405 A.2d 897 \(1979\)](#).
- Solutions:
  - Complaint to code enforcement
  - Repair and Deduct
  - Escrow rent
  - Terminate lease and move out
  - Lawsuit for damages
  - Specific performance
- Pa.R.C.P.M.D.J. Rule 508: At any time before the hearing, the defendant may file a cross-complaint, asserting any claim against the plaintiff which arises out of the occupancy of the premises, without paying a filing fee.

# Subsidized and Affordable Housing

- Many different programs: HCVP (Section 8), Public Housing, Project Based Vouchers, Elderly and Disabled Housing, LIHTC, USDA Rural Housing Programs.
- Rent capped at 30-40% of tenant's income. (Except LIHTC which is higher)
- Tenants have due process rights = only "good cause" evictions, informal grievance (not LIHTC), and right to be evicted through court.
- File a HUD Complaint  
[https://www.hud.gov/complaints\\_home](https://www.hud.gov/complaints_home)

## Resources

- <https://www.lasp.org/apply-here>
- LASP Helpline (877) 429-5994, M-F, 9 a.m. to 1 p.m.
- Palawhelp.org
- National Housing Law Project <https://www.nhlp.org/>
- Regional Housing Legal Services <https://www.rhls.org/>
- Housing Equality Center of PA <https://www.equalhousing.org/>
- <http://www.pacourts.us/forms>
- Pennsylvania Utility Law Project <https://www.rhls.org/utilities/pulp/>
- PA Housing Finance Agency <https://www.phfa.org/>
- Christina Drzal – [cdrzal@laspl.org](mailto:cdrzal@laspl.org) - (610) 874-8421, ext. 315

