

### ***Can I stop an eviction by catching up on my rent?***

If the eviction case was only for nonpayment of rent and was brought before a Magisterial District Judge, you may stop the eviction any time 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.

### ***Can my landlord just lock me out without going to court?***

No. Many Pennsylvania courts have said your landlord cannot evict you by self-help, meaning such things as padlocking your door, shutting off your utilities, using force to evict you, or using any eviction method other than going to court.

### ***Where can I get help to avoid eviction because I owe rent?***

Your local county assistance office may have emergency shelter assistance for people who need help paying their rent or paying a security deposit for a new place to live. Many churches and community agencies also may be able to help.

If you are having trouble finding a decent, affordable place to live, consider applying for subsidized housing with your local Housing Authority.

### ***Do these eviction rules apply to all tenants?***

These rules do not always apply if a tenant is being evicted because of drug-related criminal activity in the household. In those cases, the landlord is not required to give the tenant a written notice before filing the eviction case, and the case can be filed in Common Pleas Court rather than with a Magisterial District Judge.

Some of the eviction rules are different for nonresidential leases. Different rules also apply in other areas such as Philadelphia County.

The law also provides greater rights to tenants in public and subsidized housing and to owners of

mobile homes who rent space in mobile home parks. See separate brochures on those rights, or check with your local legal aid office.



# Tenants! Being Evicted?

Public Information Pamphlet #19

*What can I do if I'm having trouble with my landlord?*

*For what reasons can my landlord evict me?*

*Are there some reasons for eviction that are illegal?*

*What steps must my landlord take to evict me?*

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REMEMBER. The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

*Please use the information found in this brochure carefully since the law is constantly changing and the information may not accurately reflect any changes in the law that occurred following the creation and publication of the brochure.*

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■ **KNOWING AND** using your rights as a tenant might be the difference between keeping or losing your home. The information below can help you understand your rights.

## ***What can I do if I'm having trouble with my landlord?***

Speak with your landlord. Try to work out the problem in a way that is fair to both you and your landlord. Many communities have mediation programs that can help landlords and tenants resolve their disputes.

## ***Why can my landlord evict me?***

Pennsylvania's Landlord and Tenant law says that you can be evicted if:

- You don't pay rent;
- You don't live up to your end of the written or oral lease agreement; or
- The time for which you rented your dwelling is up, and the landlord wants you to move.

If you have a written lease, you have a right to stay in the residence until the end of the lease term, as long as you live up to your end of the lease. If you do not have a written lease, in most circumstances the law considers you to have an oral month-to-month lease. Either you or your landlord can terminate the lease at the end of any month, for any reason or for no reason.

## ***Are there some reasons for eviction that are illegal?***

Yes. You cannot be evicted:

- Because of your race, color, religion, ancestry, national origin, sex, or age, or that of a household member;

- Because you or a household member or an acquaintance is disabled or uses a guide dog or other support animal;
- Because you or a household member is pregnant or has children.

In addition, you cannot be evicted for exercising your legal rights (for example, complaining about bad housing conditions to local housing code officials) if your landlord is retaliating (getting back at you) by evicting you.

You also may be able to prevent an eviction if you can prove that you didn't pay rent because the rented premises were unfit to live in. You will have to prove that you complained to your landlord about serious defects, but your landlord refused to make repairs. See separate brochure: *Your Right to a Safe Home*.

## ***What steps must my landlord take to evict me?***

YOUR LANDLORD CAN ONLY EVICT YOU BY GOING TO COURT, which usually involves these important steps:

**1. Written notice.** Unless your lease says otherwise, your landlord must give you a written notice before filing an eviction case against you. The notice tells you when the landlord wants you to move. The amount of time the eviction notice gives you to move depends on the length of your lease and the reason you are being asked to move. If you are being evicted because you did not pay rent, your landlord must give you a written notice at least 10 days before filing an eviction case.

If you are being asked to move for any reason other than nonpayment of rent, your landlord must give you a written notice

- 15 days before filing an eviction case, if your lease is for one year or less; or
- 30 days before filing an eviction case, if your lease is for more than one year.

Your lease can provide for a longer or shorter notice, or no notice at all.

If you have not moved out by the date stated on the eviction notice your landlord gave you, your

landlord cannot just throw you out. He or she must still file a landlord/tenant complaint and go to court, as described below.

**2. Court hearings.** The eviction hearing will usually be before a Magisterial District Judge. Your landlord cannot just move you out, lock you out or take your personal property on his or her own. You have the right to appear at the hearing before the Magisterial District Judge with any witnesses or other evidence you have. Since eviction cases move quickly, it is a good idea to get legal advice before your eviction hearing. The landlord must appear at the hearing and present testimony as to why you should be evicted. If the landlord fails to appear, you should ask that the case be dismissed.

**3. Appeal.** If you lose at this hearing but have a good defense, you have only 10 days to appeal to a higher court. To stay in your home during the appeal:

- You must pay into court when you file the appeal either the amount of rent in the judgment or 3 months rent, whichever is less, unless you can establish that you are an indigent tenant, in which case you will only be required to pay the monthly rent to the Prothonotary while your appeal is pending. Check with your local courthouse and/or your local legal service program for specific information and requirements.
- If the Magisterial District Judge decided that you owed back rent, you must pay that amount into court, or post a bond for that amount, when you file the appeal. (You only have to pay three months of back rent into court, however, even if you owe more.)

If you want to appeal, you should get legal advice immediately after the hearing. If you do not appeal, you can be evicted by a constable or sheriff in as little as 22 days after the hearing before the Magisterial District Judge.