

SAMPLE LETTER

(TODAY'S DATE)

(ADDRESS OF THE INTRUDER)

Dear (NAME OF INTRUDER),

This letter will serve as a demand that you not enter or come upon the premises located at

(WRITE YOUR ADDRESS HERE).

Should you fail to abide by this demand, you will be subject to arrest and criminal prosecution as a "defiant trespasser" under 18 Pa.C.S.A. §3503(b).

Sincerely,

(SIGN YOUR NAME)

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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How to Keep Someone off Your Property

Public Information Pamphlet #14

What is defiant trespass?

How can I tell someone to stay away?

Who can I tell to stay away?

What happens if the intruder refuses to stay away?

**Pennsylvania
Legal Aid Network**

The Pennsylvania Legal Aid Network of civil legal aid programs provides help for people who have no place else to turn



How to Keep Someone off Your Property

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■ **IF YOU** would like to keep someone out of your home or off your property, the laws about defiant trespass may help you.

What is defiant trespass?

Under Pennsylvania law 18 Pa.C.S.A. §3503(b), a person commits the crime of defiant trespass if he or she comes onto or stays on your property after being told to stay away. You can tell a person to stay away from property that you either own or rent.

How can I tell someone to stay away?

You can tell someone to stay off your property in either of the following ways:

- **In person.** It is best to have a witness present when you do this; or
- **By mailing or handing the person a letter** (see sample letter on reverse). If you hand the letter to the person, you should have a witness present. If you mail the letter, you should send it by certified mail, return receipt requested, restricted delivery, so that you can prove that the person got it. If you think that the person might not accept certified mail, it may be best to send the notice by both certified and regular mail. Send a copy of your letter to the local police department also.

You can also keep intruders off your property by posting a notice on the property, in a place where an intruder is likely to see it, or by putting up a

fence or some other enclosure around your property.

Who can I tell to stay away?

You can tell anyone to stay away if the person has no right to come into your home or onto your property. For example, you can tell an ex-boyfriend, an ex-girlfriend, a former spouse, or a former friend to stay out of your home or apartment.

You cannot tell someone to stay off your property if the person has the legal right to be there. For example, you cannot tell someone to stay away if

- the person's name is on the deed or lease; or
- there is no written lease, but you and the person rented the dwelling unit together.

A landlord cannot use the trespass laws to tell a tenant, or the tenant's visitors, to stay off the property that the tenant has rented. A landlord who wants to make a tenant leave should follow the eviction laws. For more information about eviction, see the separate brochure titled *Eviction*.

If you have any questions about whether someone has the right to enter your property you should seek legal advice.

What happens if the intruder refuses to stay away?

If a person comes onto your property despite being told to stay away, you should contact the police. Tell them that you want to prosecute the person for defiant trespass.

If the police will not file charges, you may be able to do so yourself by going to the Magisterial District Judge's office that covers the area where you live.

What can I do if the defiant trespass laws don't apply?

If the defiant trespass laws don't apply because the person has a legal right to be on your property for some reason, there still may be steps that you

can take. If the person is a present or former spouse, family member, boyfriend, or girlfriend and has been physically violent or physically threatening toward you, you might be able to file a Protection From Abuse case to keep him or her off your property. If you believe you have been abused, contact your local Legal Services office or domestic violence program. See the separate brochure titled *Protection from Abuse*

[See opposite side for a sample letter to tell someone to keep off of your property]