

## Tenants! Being Evicted?

**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 may appeal to a higher court. You only have ten (10) calendar days to file the appeal. 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 month's rent, whichever is less, unless you can establish that you are a low income tenant, in which case you will only be required to pay 1/3 of your monthly rent to the Dept. of Court Records to file the appeal. You will then have to pay the remaining 2/3 within twenty (20) days. If you already paid the rent of the month in which you appeal or the Magisterial District Judge determined that you didn't owe rent, then you do not have to pay anything to appeal.
- Everyone is required to pay their ongoing rent into escrow with the Dept. of Court Records while the appeal is pending.

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.

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

If the eviction case was only for nonpayment of rent, 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. You should call 211, the United Way Hotline for more information on rental assistance.

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.

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.

## If I'm evicted, can my landlord keep my personal property?

No. Your landlord must give you ten (10) days after the eviction to contact him and let him know you want to come get your personal property. If you contact your landlord within the first ten (10) days, then your landlord must store your personal property for at least thirty (30) days. You must go get your personal property within the first thirty (30) days or your landlord can throw it out or sell it.

Only if you do not contact your landlord within ten (10) days of being evicted, then your landlord may throw out or sell your personal property.

Your landlord cannot charge you anything for coming to get your personal property if you do it within the first ten (10) days, but your landlord may charge you the cost of storing the property if you come *after* the first ten (10) days.

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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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To Find Legal Help, visit:

**Pennsylvania**  
**LegalAid** Network

<https://PaLegalAid.net/Find-Legal-Help>

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- Are there some reasons for eviction that are illegal?
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For more information on this issue and other topics visit:

**PA**LawHelp.org

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