



## PENNSYLVANIA EVICTIONS UNDER COVID-19

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[MidPenn Legal Services](#) is working to provide consumers, especially those who rent/are tenants, the most up-to-date and accurate information available regarding changes in the law and court processes prompted by the Coronavirus (COVID-19) outbreak. The following is a brief summary of important recent changes enacted by the Federal Government, State and Local Governments, and/or the court system which affect renters/tenants, as understood by MidPenn:

- On March 18, 2020, the Pennsylvania Supreme Court (“PASC”) issued an Order closing ALL Pennsylvania courts, generally, save for a few, “essential” functions – such as Protection from Abuse and Criminal matters – until at least Friday, April 3<sup>rd</sup>. On April 1<sup>st</sup>, PASC issued a Supplemental Order extending the closure of the courts until April 30<sup>th</sup>. This closure includes Courts of Common Pleas (“CCP”) and Magisterial District Judge (“MDJ”) offices. **The Order also included a moratorium (“freeze”) on evictions for nonpayment of rent during that time.**
- Most/perhaps all Courts of Common Pleas in counties throughout the state have enacted their own Orders which work in conjunction with, *but which may contain terms different from*, the PASC’s Order and Supplemental Order. You should be sure to review your county’s Order or contact MPLS for clarification as to what is happening in your particular county.

### WHAT THE MORATORIUM MEANS FOR RENTERS/TENANTS

Here is what the moratorium means for renters/tenants who are facing or might face eviction:

- **If your landlord had already filed a complaint against you at the Magisterial District Judge’s office but you did not yet have a hearing,** then your hearing will be postponed until at least on/after May 1<sup>st</sup>. If your landlord had already filed a complaint against you in the Court of Common Pleas, then your deadline to file a responsive pleading to the complaint is suspended until at least on/after May 1<sup>st</sup>.
- If your landlord had already **filed to evict you and obtained a judgment** against you, whether at the MDJ’s office or in the Court of Common Pleas, then your **deadline to appeal the judgment may have been extended.** [Contact MidPenn](#) for additional information.
- If your landlord had already **filed to evict you and obtained a judgment** against you at the MDJ’s office or in the Court of Common Pleas and there is **no way to appeal that judgment,** then **you cannot be evicted by the constable or Sheriff until at least on/after May 1<sup>st</sup>.**
- **If, during the moratorium, your landlord files a new complaint against you at the MDJ’s office, then your hearing will not be scheduled until at least on/after May 1<sup>st</sup>.** If your landlord files a new complaint against you in the Court of Common Pleas, then your deadline to file a responsive pleading to the complaint is suspended until at least on/after May 1<sup>st</sup>.

- Keep in mind that, in almost any/every circumstance, it is illegal for your landlord to utilize “self-help” measures (i.e. changing your locks, cutting off utility service(s), etc.) to evict you. The only appropriate way for your landlord to evict you is for your landlord to take legal action through the court system, which would result in you being evicted by a constable (at the end of the MDJ eviction process) or a Sheriff (at the end of the Court of Common Pleas eviction/ejectment process). **If your landlord tries to change your locks/lock you out or shut off your utilities, then call 9-1-1 and MidPenn immediately.**

## CARES Act

On March 27<sup>th</sup>, the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) went into effect. The Act includes important, immediate protections for renters/tenants living in certain types of Federally-subsidized housing.

The following is a brief summary of the provisions of the CARES Act most important to renters/tenants, as understood by MidPenn:

- **Beginning on March 27<sup>th</sup>, there is a one hundred twenty (120) day moratorium on evictions for non-payment of rent** (see below for cases where the moratorium does *not* apply) for tenants living in certain types of Federally-subsidized housing.
- If your landlord gave you an eviction notice for merely non-payment of rent before March 27<sup>th</sup>, then your landlord cannot file a complaint at the MDJ’s office or in the Court of Common Pleas until on/after July 25<sup>th</sup>. Furthermore, during the moratorium, your landlord cannot charge you late fees or other charges related to non-payment of rent until on/after July 25<sup>th</sup>.
- **If you currently owe money for rent, fees, or other charges** to your landlord but your landlord has yet to serve you with an eviction notice, then your landlord cannot give you an eviction notice for that particular reason until on/after July 25<sup>th</sup>. Also, if/when your landlord serves you with an eviction notice for nonpayment, that notice is required to give you thirty (30) days to cure the default (“pay”) or vacate before your landlord can file a complaint at the MDJ’s office or in the Court of Common Pleas.
- **The federal eviction moratorium does not affect cases that:**
  - Were filed before the moratorium took effect;
  - Involve non-covered tenancies (see below); or
  - Involve eviction based on another reason besides nonpayment of rent, other fees, or charges (i.e. illegal activity in the unit, unauthorized occupants, etc.).
- The types of **Federally-subsidized housing/tenancies covered by the CARES Act** include, but are not limited to, the following:
  - Public housing (subsidized by the Department of Housing and Urban Development (“HUD”));
  - Section 8 Housing Choice Voucher Program (HUD);
  - Section 8 project-based housing (HUD);
  - Section 202 housing for the elderly (HUD);
  - Section 811 housing for people with disabilities (HUD)
  - Low Income Housing Tax Credit (“LIHTC”);
  - Section 515 Rural Rental Housing; and
  - Properties with Federally-backed mortgages.

- The following provides guidance regarding **how you, as the renter/tenant, can find out whether your tenancy qualifies for protection under the CARES Act:**
  - For programs with “project-based” subsidies (i.e. subsidies that are attached to the building or the unit in which you reside) you can try the following sources:
    - Your lease agreement (especially the “lease addendum” if applicable);
    - Annual recertification documents;
    - National Housing Preservation Database – <https://preservationdatabase.org/>; and/or
    - Pennsylvania Housing Finance Agency’s Rental Housing Inventory/Inventory of Affordable Housing – <https://www.phfa.org/renters/>.
  - For **“tenant-based” subsidies** (Voucher programs, where the rental subsidy follows the tenant), you can try the following:
    - Your lease agreement (especially the “lease addendum” if applicable); and/or
    - Annual recertification documents.
  - For **“federally-backed mortgages”** you can try the following:
    - Ask your landlord (in writing is best if possible);
    - Call Fannie Mae (1-800-2FANNIE or 1-800-232-6643, press “4” for “homeowner”) or use the Fannie Mae Loan Look up website (<https://www.knowyouroptions.com/loanlookup> - you will need to know your landlord’s EIN/TIN) ; and/or
    - Call Freddie Mac (1-800-FREDDIE or 1-800-373-3343, press “4” for “homeowner”) or use the Freddie Mac Loan Look up website (<https://www3.freddiemac.com/loanlookup/> - you will need to know your landlord’s EIN/TIN).

**\*\*If you are able to do so, you should pay your rent to your landlord as you normally would regardless of these moratoriums** because there has been no indication that your rent ultimately will not be owed to your landlord. The moratorium only means that your landlord is not able to bring an action against you during this time – it does not mean that your landlord will not be able to pursue your eviction once the moratorium ends. If possible, you should contact your landlord to discuss your situation and to see whether there is any type of agreement you might be able to reach with your landlord to work around your particular circumstances – an open line of communication about such things is usually the best practice.\*\*

MidPenn Legal Services is a non-profit, public interest law firm that provides high-quality, free, civil legal services to low-income residents and survivors of domestic violence and sexual assault in 18 counties in Central Pennsylvania. Your health and safety and that of our staff are very important to us. In order to reduce risks of exposure to and transmission of the Coronavirus (COVID-19), all MidPenn Legal Services offices have been and currently are closed to the public until further notice. However, our staff has been and continues to be working remotely. To apply for services: Call our Coordinated Intake Unit at 1-800-326-9177, Monday through Friday, from 8:30 a.m. to 3:30 p.m. or apply online at [apply.midpenn.org](http://apply.midpenn.org). For new applicants in Lancaster County: Call 717-299-0971 or 800-732-0025. For new applicants in York County: Call 717-848-3605. To keep up-to-date with further developments, check in with us on Facebook and Twitter or visit our website: [www.midpenn.org](http://www.midpenn.org).