

Landlords and Renters – When Can I be Evicted? Who Will Help?

Riverfront Chats – Presented by Dauphin County Bar Association
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Presenters



Dauphin County
BAR ASSOCIATION

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Eviction basics

- ▶ Eviction notice/Notice to Quit
 - 10 day notice for nonpayment of rent
 - 15 day notice for other breach of lease and/or end of the lease term
- ▶ Complaint at Magisterial District Judge (“MDJ”)
- ▶ Hearing before MDJ within 7-15 days
- ▶ Tenant has the right to appeal MDJ’s judgment to the Court of Common Pleas
 - 10 days from the date of the judgment to appeal possession and stop eviction; or
 - 30 days from the date of the judgment to appeal only the money portion, which appeal does *not* stop eviction

Eviction basics (cont’d)

- ▶ Landlord, him/herself, does not physically evict tenant – eviction performed by constable
- ▶ If no appeal by tenant, then landlord has to request an Order for Possession (“OFP”) from MDJ, which he/she can do on the 11th day after the judgment is entered
- ▶ MDJ issues the OFP, which is served by a constable
- ▶ Constable schedules eviction to take place on the 11th day after the date the OFP is served
- ▶ MDJ will often say that a tenant has “21 days to be out,” which is the 10 day appeal period + the 10 day OFP notice period

Covid-19 Updates

Eviction Moratoriums

Supreme Court

Supreme Court of Pennsylvania issued its original Order in mid-March placing a stay/stop/moratorium on evictions statewide, which ultimately expired on May 11th

Courts of Common Pleas

Each County's Court of Common Pleas was given the ability to either 1) follow Supreme Court's Order/guidance or 2) issue its own Order to extend the moratorium

Dauphin County

Dauphin County's moratorium ultimately expired on May 31st, so MDJs were back open for business on June 1st and began hearing *all* cases – both old and new

Covid-19 Updates (cont'd)

Governor Wolf's Executive Order

- ▶ Governor Wolf issued an Executive Order ("EO") on May 7th which took effect on May 11th
- ▶ The EO suspended all eviction notices – notices are required for the filing of new cases – until July 10th
- ▶ The EO did *not* affect cases which were already filed and in the system
- ▶ The EO originally covered all types of evictions but was amended on May 22nd to cover only evictions for 1) nonpayment of rent and/or 2) end of lease term – so, evictions for other breaches of the lease (i.e. physical damage to the property, criminal activity, unauthorized occupants/pets, etc.)
- ▶ **The EO does *not* mean that MDJs are not accepting the filing of new cases; rather, tenant is expected to attend the hearing and make argument to MDJ that case should not have been filed because of the EO**

Covid-19 Updates (cont'd)

Current Status in Dauphin County

- ▶ Dauphin County issued a new Administrative Order regarding evictions on June 18th – “...all evictions are hereby stayed...” pending the outcome of Wolf v. Scarnati case which was, at the time, pending before the Supreme Court
- ▶ MDJs have taken this to mean that all steps in the process can continue *except* the final step – the actual, physical eviction. So, hearings are still being scheduled and held; judgments are still being entered; and, in some cases, OFP is still being issued, although eviction date is uncertain
- ▶ Supreme Court ruled in favor of Governor Wolf on July 1st
- ▶ We are currently awaiting further Order from the Court

Rental Assistance Programs

PA Cares Rent Relief Program

- ▶ The Federal Coronavirus Aid, Relief and Economic Security (“CARES”) Act, passed in March, provided \$3.9 billion for Pennsylvania and is intended to help people hurt economically during the pandemic. In late May, the PA General Assembly directed \$150 million of these funds to PA Housing Finance Agency (“PHFA”) to provide assistance for struggling renters – CARES Rent Relief Program (“CARES RRP”)
- ▶ PHFA has identified organizations in all 67 counties to process the large number of rent relief applications anticipated
- ▶ HELP Ministries (a program of Christian Churches United) has partnered with Dauphin County and PHFA to administer the applications for tenants in Dauphin County who are behind on their rent due to unemployment or loss of employment income since March 1, 2020

Rental Assistance Programs (cont'd)

PA CARES Rent Relief Program

Who is eligible:

- ▶ Tenants who became unemployed after March 1 related to the COVID-19 pandemic **OR** have seen a decrease in income of at least 30% from their pre-COVID income due to reduction in employment income **and**
- ▶ Can provide a copy of a signed lease or other third-party proof of occupancy for the unit they are renting, along with all required income documentation;
- ▶ Whose landlord is willing to accept back rent of a maximum of \$750/month for the months owed;
- ▶ Whose landlord is willing to agree not to begin any eviction proceedings for any other outstanding housing expenses for at least 60 days from the final month for which CARES RRP assistance funds are provided;
- ▶ Whose landlord can certify that their property taxes are up-to-date and the apartment or home meets required Housing Quality Standards; and
- ▶ Whose income is at or below 100% of the Area Median Income, based on household size. Here are the income limits for Dauphin County:

Household Size	1	2	3	4	5	6	7	8
Income Limit	\$59,500	\$68,000	\$76,500	\$85,000	\$91,800	\$98,600	\$105,400	\$112,200

Rental Assistance Programs (cont'd)

PA CARES Rent Relief Program

How much assistance is available

- ▶ Each tenant who meets program criteria and provides the required application forms (and supporting documentation) is eligible for up to \$750/month for the months that they can document unemployment or a 30% reduction from pre-COVID income
- ▶ Maximum assistance is six (6) months total
- ▶ Assistance can be provided between March 1st and December 31st, 2020

Rental Assistance Programs (cont'd)

PA CARES Rent Relief Program

How to apply

- ▶ **Three documents MUST be submitted in order to apply for the CARES RRP.** The forms can be downloaded from the links below or you can request that the forms be mailed to you by calling the HELP Ministries office at 717-238-2851
 - [Lessee Household Certification-Renter Application](#)
 - [Landlord Application](#)
 - [Landlord-Property Certification](#)
- ▶ **Along with these three forms, tenant must provide documentation of all income from January 1, 2020, through the time of the application as well as a copy of his or her signed lease** (a tenant with no written lease (an “oral lease”) can still apply but needs to provide at least one other form of documentation that he or she rents the property – i.e. ID with that address listed on it; utility bill in tenant’s name; etc.)
- ▶ ****Landlords and tenants must work together on the application packet, as the tenant must sign one form and provide documentation and the landlord must sign two forms****

Rental Assistance Programs (cont'd)

PA CARES Rent Relief Program

- ▶ HELP began accepting applications on July 6, 2020, and all applications must be submitted by September 30, 2020
- ▶ Applications can be submitted by e-mail to rrp@ccuhbg.org or dropped off at or mailed to HELP Ministries, Attn: CARES RRP, 413 S. 19th St., Harrisburg, PA 17104. Residents in the northern part of Dauphin County can also drop off their application at the Northern Dauphin Human Service Center, 295 State Dr, Elizabethville, PA 17023

Notification/Receipt of Assistance

- ▶ It will generally take at least ten (10) to fourteen (14) days to process RRP applications and release assistance to landlords (all payments will be made directly to the landlord). This is largely due to the requirement that HELP verify *all* applicants' unemployment status with the PA Dept. of Labor and Industry. Applicants are not required to have submitted for unemployment to be eligible, but HELP must check their status
- ▶ A written notification of assistance will be provided to all applicants in writing through mail or e-mail

Rental Assistance Programs (cont'd)

HELP Ministries' Rental Assistance Program

- ▶ In addition to CARES RRP, HELP also offers other Rental Assistance/Homeless Prevention programs
- ▶ The Dauphin County Rental Assistance Program administered by HELP Ministries is an application-based program that can assist with a limited amount of back rent or security deposit/first month rent in cases where a household is facing eviction or trying to exit a “couchsurfing” situation, and the household can document that they can afford to maintain the housing after the assistance is provided.
- ▶ The Emergency Solutions Grant (ESG) funded Homelessness Prevention Program can provide assistance with back rent and ongoing case management support to households facing imminent eviction.

Resources

- ▶ PHFA PA CARES RRP website - <https://www.phfa.org/pacares/rent.aspx>
- ▶ PA CARES RRP [Application Fact Sheet](#)
- ▶ Christian Churches United PA CARES RRP website - <https://www.DauphinCountyRentRelief.org>
- ▶ HELP Ministries home page - <https://www.ccuahbg.org/what-we-do/help-ministries.html>