

# Eviction Protections in Allegheny County



Robert Damewood, Esq.  
Regional Housing Legal Services  
Lawrenceville United  
Community Meeting for Renters  
October 22, 2020

# Regional Housing Legal Services



Regional Housing Legal Services is a legal aid program whose mission is to create housing and economic opportunity in under-served communities in Pennsylvania and to effect systemic change for the benefit of lower-income households.

## 3 COVID-Era Protections

**The following protections exist as of October 22, 2020.  
They are subject to change:**

- CDC Temporary Halt to Evictions
- CARES Act Moratorium
- Allegheny County Administrative Order
- Just Mediation Pittsburgh

# CDC Temporary Halt to Evictions

**Halts certain evictions through December 31, 2020.  
To qualify, the Tenant must:**

- ❑ Sign a Declaration (along with all adults on the lease)
- ❑ Deliver the Declaration to the Landlord
- ❑ OR provide the Declaration (or proof that the Declaration was given to the Landlord) to the Court
- ❑ <http://aopc-declaration.renthelppgh.org>

# What Evictions are Halted?

## The CDC Order prevents ALL evictions EXCEPT:

- engaging in criminal activity while on the premises;
- threatening the health or safety of other residents;
- damaging or posing an immediate and significant risk of damage to property;
- violating any applicable building code, health ordinance, or similar regulation; or
- violating any other contractual obligation, other than the timely payment of rent or other housing-related payment

## What Actions are Prohibited?

- If a signed Declaration is provided to the Landlord, **the Landlord may not take any action to cause the removal of the Tenant household**
- A Landlord who violates the Order is subject to a fine of up to \$100,000 (higher fine or imprisonment if the violation results in death).
- If a signed Declaration is given to the Court, the **eviction proceedings will be stayed until January 1** (although the MDJ can provide a status conference to explore rental assistance).

## What is in the Declaration?

**In the Declaration, the Tenant states the following under penalty of perjury:**

- 1. *I have used best efforts to obtain all available governmental assistance for rent or housing.***
  - “Best efforts” means doing everything you can *reasonably* be expected to do.
  - It does NOT mean doing everything imaginable.
  - Apply for a rental assistance program that best suits your needs.

## What is in the Declaration?

2. ***Income limits:*** Income is less than \$99,000 (or \$198,000 filing jointly) or not required to report income in 2019 or received a stimulus check.
3. ***I am unable to pay my full rent due to a substantial loss of household income, loss of work hours or wages, layoffs or extraordinary medical expenses.***
  - NOTE: Income loss does NOT have to be as a result of COVID-19.
  - Extraordinary medical expenses = 7.5% of income
  - Substantial loss of income is not defined.



## What is in the Declaration?

4. ***I am using best efforts to make timely partial payments that are as close to the full payment as my circumstances permit.***
  - “Best efforts” means doing everything you can reasonably be expected to do.
5. ***If evicted I would likely become homeless or live with other people in close quarters because I have no other available housing options.***
  - “Available housing” means decent, safe and sanitary housing that you can afford.

## Practical Advice

- Keep a copy of your signed Declaration
- Be able to prove delivery to your Landlord (e.g., 1<sup>st</sup> class mail with verification of delivery)
- Apply for rental assistance first
- Offer your Landlord at least some partial payment
- Be prepared to show the Court your income and expenses if your Declaration is challenged

## Properties with Federally-Backed Mortgages

- ❑ FHA, VA, USDA, Fannie Mae, Freddie Mac
- ❑ Federal mortgage database and links to lookup tools: <https://nlihc.org/federal-moratoriums>
- ❑ Landlord must file affidavit of compliance
- ❑ **If the mortgage is in forbearance**, the landlord may not evict for non-payment or charge late fees during forbearance period
- ❑ **If not in forbearance**, a 30-day notice to quit is required.

## Allegheny County Admin Order

- ❑ **If eviction is only for non-payment and the tenant testifies that they have applied or will apply for rental assistance**, the hearing is converted to a status conference
- ❑ MDJ may continue (delay) the hearing until after application is processed
- ❑ If not continued, the MDJ must reschedule the hearing to a new date
- ❑ Only applies if the CDC order is not applicable (except for the status conference)

## Just Mediation Pittsburgh

- Community mediator meets with the parties and tries to resolve disputes that could lead to eviction
- Voluntary program – both parties must agree to participate
- NLSA can provide legal consult before mediation and before any agreement is signed if requested
- <https://www.justmediationpgh.org/>
- 412-228-0730 or [info@justmediationpgh.org](mailto:info@justmediationpgh.org)

Robert Damewood

[bob@rhls.org](mailto:bob@rhls.org)

Staff Attorney

RHLS Pittsburgh Office

100 Fifth Avenue, Suite 911

Pittsburgh, PA 15222

phone: (412) 201-4301

fax: (412) 434-5706