

# Landlord-Tenant FAQs relating to COVID 19 Emergency Orders

## **Can I be evicted from my home during the State of Emergency?**

No. As long as President Judge Clark's Emergency Order is in effect, no evictions may be executed in Allegheny County. However, you should pay close attention to the news, and further Court Updates which will be circulated to local news outlets.

Additionally, you should check the Allegheny County Court of Common Pleas [Web site at: https://www.alleghencourts.us/Administration/Default.aspx](https://www.alleghencourts.us/Administration/Default.aspx)

## **Should I still pay my rent with the Department of Court Records even though I can't be evicted?**

Yes. Although there is a moratorium (stay) on evictions, **the rent you owe every month does not change**. Also, the moratorium will be lifted at some point. If you don't keep up with your rental payments, your landlord will be able to take action to evict you once the moratorium is lifted. If you make timely rental payments, and stay current with your rental payments, your landlord will not be in a position to serve an Important 10 Day Notice for failing to pay rent and take steps to evict you before your next hearing.

**You may go to the Department of Court Records located on the first floor of the City County Building at 414 Grant St. Pittsburgh, PA 15219 on the First Floor to pay your rent. Or, you may mail a MONEY ORDER or BUSINESS CHECK to the Department of Court Records at that same address. If you mail a MONEY ORDER OR BUSINESS CHECK in to pay your rent, WRITE your LT docket number on the MONEY ORDER or BUSINESS CHECK so that your payment is properly accounted for and attributed to your supersedeas account. You can find your LT number on all Court filings; for example, it looks like this LT 20-XXX (the XXXs will be replaced with numbers representing the docket number assigned to your case.)**

**My landlord took me to the Magistrate to evict me and won, can I file an appeal with the Court of Common Pleas?**

Yes. Either side can file an appeal or complaint with the Department of Court Records by coming in person to the Department of Court Records for the Civil/Family Divisions. The street address is 414 Grant St. Pittsburgh, PA 15219 on the First Floor. You can file your appeal during the moratorium on evictions, and that preserves your appeal.

**What if I fail to take an appeal from the Magistrate's possession order entered within 10 days of March 16, 2020 Order making clear that there is a Moratorium on evictions? Will I be able to file an appeal later?**

It depends on the date when the Magistrate's disposition was entered. If the disposition is dated March 11, 2020, 4 days expired before the moratorium on evictions. Accordingly, the tenant has 6 more days to timely file an appeal **once the moratorium is lifted.**

Time will be calculated for your appeal using the date on the Magistrate Disposition

**My tenant filed an appeal from a Magistrate's judgement. Can I still file my new complaint?**

Yes. However, the Department of Court Records is not issuing arbitration dates at this time. Once the Emergency Order staying all arbitration hearings is lifted, you should file a "Praecipe to Schedule an Arbitration Hearing". Blank Praecipies are available at the Department of Court Records during the State of Emergency, and they will be available at the Housing Court Help Desk once the State of Emergency is lifted.

**I filed my appeal and paid the 1/3 of my rent that keeps me in my home for 20 days. The Cashier in the Department of Court Records told me that 2/3 of my rent is due today, though. Can I still come down and make a payment?**

Yes. You can also make a payment by mailing A BUSINESS CHECK OR MONEY ORDER at least four (4) days in advance. This business check or money order should be made payable to either "DCR" or "Department of Court Records," and the BUSINESS CHECK OR MONEY ORDER Must include the landlord tenant "LT" docket number so that DCR knows where to apply the monies you are sending in for payment. If you fail to include the LT docket number the BUSINESS

CHECK or MONEY ORDER may be returned to you, and/or applied to the incorrect account.

**I terminated my tenant's supersedeas escrow account. How does the moratorium on evictions impact my case?**

Even though there are to be NO evictions, a terminated supersedeas will remain terminated. Once the State of Emergency is over and the stay on evictions is lifted, you may thereafter proceed to act on the terminated supersedeas.

**During the State of Emergency, will I still need to appear at the arbitration hearing that was scheduled before the Courts were closed?**

No. Pursuant to President Judge Clark's Emergency Order entered on March 23, 2020, all arbitration hearings are suspended pending further Order of Court. These hearings will be rescheduled by the court and you will be notified by mail and/or phone.

**I lost at arbitration and I want to file an appeal of that Award. I was told I have 30 days to file the appeal. Am I still going to be considered late if I wait until after 30 days to file the appeal?**

Not if you were still within the time period on March 23<sup>rd</sup>. Pursuant to President Judge Clark's Emergency Order entered on March 23, 2020, all deadlines are postponed or stayed until after the Emergency Order is lifted.

If your appeal would have been late on or before March 23<sup>rd</sup>, you are still late.

**My tenant filed an appeal, but also filed a Motion asking for extra time to pay the initial supersedeas amounts owed. That moratorium was entered before the Motion was heard. The tenant has not been paying me as the landlord; nor has the tenant been paying into the DCR. Can I file a Certificate of No Rent now and therefore place myself in a position to immediately regain possession of the unit once the moratorium is lifted by further order of court?**

No. The Motion seeking extra time to pay the initial amount into DCR to establish the supersedeas will be heard after the moratorium is lifted.

**My tenant was required to make a payment pursuant to a specific court order and a date set forth in the court order, which was before the moratorium on evictions. The tenant failed to make the payment by that date. Although I**

**cannot evict the tenant during the moratorium, what am I supposed to do once the moratorium is lifted?**

The landlord can file the Certificate of No Rent and proceed to undertake possession because the tenant failed to comply with the Court's Order and specific date set forth therein.

**A rental payment schedule was established by the Department of Court Records. Although my tenant made the initial payment(s), he/she failed to make subsequent payments. May I send an Important 10-day Notice of Failure to Pay Rent into Escrow during the moratorium?**

No; because all dates are suspended under the March 23, 2020e Emergency Order from President Judge Clark, **but the rent is still due**. When the moratorium is lifted the landlord can proceed to serve the Important 10-Day Notice for failing to pay rent when due and owing.

**My tenant failed to make rental payments during the moratorium, and I sent the Important 10-day Notice to them during the moratorium. May I now file the documents to terminate the supersedeas, even though I cannot execute or seek possession during the moratorium?**

No. Pursuant to the March 23, 2020 Emergency Order all deadlines were postponed or suspended. That does not mean that rent was not due, but it does mean that the landlord cannot terminate the supersedeas during the State of Emergency. However, once the State of Emergency is lifted and the deadlines are no longer postponed, the landlord can serve the Important 10-Day Notice of intent to take default for failing to pay rent and provide 10 days to cure the outstanding rental amounts owed.

**Two weeks before the moratorium, I sent an Important 10-Day Notice for failing to pay rent to the tenant. The tenant failed to cure during and pay all amounts due within the 10 days. I know I cannot evict now, but can I terminate the supersedeas and be ready to move forward with eviction when the moratorium is lifted?**

Yes. Once the moratorium on evictions is lifted you may proceed to terminate the supersedeas and move forward with eviction.

**I have come to an agreement with the other side in my case. Can we make a filing to record this agreement?**

Yes. You can and should put your agreement in writing and file a Praecipe to Settle and Discontinue the case.

**When will the judicial emergency end?**

No one knows at this time when the State of Emergency will be ending. We are encouraging everyone to watch the local news channels, listen to the local news on the radio and continually check the Court's official web site for all updates.

Additionally, you should check the Allegheny County Court of Common Pleas **Web site at: <https://www.alleghencourts.us/Administration/Default.aspx>**