

Landlord-Tenant FAQs following the Emergency Court Closure

1. Should I still pay my rent with the Department of Court Records even if I cannot be evicted under the Governor's moratorium?

Yes, the rent you owe every month does not change, and payments for past months will be due at the Department of Court Records. If you don't keep up with your rental payments, your landlord will be able to take action to evict you. 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 memo line 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.) Make business checks and money orders payable to "Department of Court Records"

2. My landlord took me to the Magistrate District Judge ("MDJ") before the Emergency Court closure seeking possession of the property and back rent. The Magistrate found in the landlord's favor a few days before the Emergency Court closure, can I file an appeal with the Court of Common Pleas, and if so, how many days do I have to file my appeal?

- Yes. Either side can file an appeal with the Department of Court Records ("DCR") 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 have 10 days to file a timely appeal to a Magistrate’s Order relating to **possession**. Accordingly, if the Magistrate entered an Order on Friday, March 13, 2020 for possession and money damages against the Tenant, the tenant had 10 days to file an appeal. So, let’s count:

Day 1 = March 14

Day 2 = March 15

Day 3 = March 16

March 16, 2020 Court imposed Emergency Order is entered which suspended deadlines. Time did not run until June 1, 2020 when the Emergency Order suspending time deadlines expired. Time begins to run again on June 2, 2020; accordingly, you resume counting the remaining # of days on June 2, 2020.

Day 4 = June 2, 2020

Day 5 = June 3, 2020

Day 6 = June 4, 2020

Day 7 = June 5, 2020

Day 8 = June 6, 2020

Day 9 = June 7, 2020

Day 10 = June 8, 2020

Monday June 8, 2020 would be the last day to file a timely appeal from the Magistrate’s Order entered on March 13, 2020, based on the Court’s Emergency closure Orders and the lifting of those Orders.

3. What if I fail to take an appeal from the Magistrate’s disposition granting the landlord possession entered within 10 days of March 16, 2020 Order stating 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. The tenant had 6 more days to timely file an appeal **once the moratorium was lifted**; accordingly, as indicated above you resume counting on June 2, 2020.

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

4. What if I was late in filing for an appeal **before the March 16, 2020 Order stating that there is a Moratorium on evictions, and I file an Emergency Motion to file a late appeal?**

If you were late before the March 16, 2020 Order, you are still late; however, you will be permitted to file and submit a Motion to File a Late Appeal, where you will explain all of the reasons why you were late in filing your appeal before the March 16, 2020 Order was in place. The Motion to File a Late Appeal will be heard by the Housing Court Judge.

5. My tenant filed an appeal from a Magistrate's disposition. Can I still file my complaint?

Yes, you can file your complaint with the Court of Common Pleas.

6. I filed a complaint during the emergency Court closure and received a "TBD" regarding a hearing date; how do I get an arbitration hearing date?

You should file a "Praecipe to Schedule an Arbitration Hearing". Blank Praecipos are available at the Department of Court Records.

7. I filed a complaint and received a hearing date that fell within the emergency Court closure. Do I need to file an adjournment or motion for continuance myself?

No. The Court will be sending out a "Notice of Rescheduled Hearing".

8. I terminated my tenant's supersedeas escrow account **before March 16, 2020, but I could not execute on that termination during the moratorium on evictions established by the Court of Common Pleas which expired on June 1, 2020. Can I move forward with the eviction now?**

A terminated supersedeas will remain terminated. Beginning on June 2, 2020 you may proceed with filing an order of possession with the local magistrate.

9. I lost at the arbitration hearing on February 20, 2020. I want to appeal that arbitration Award. I was told I have 30 days to file the appeal. Am I too late to file an appeal?

The party appealing had until March 21, 2020 to file the appeal. However, March 21th falls within the Emergency Court closure which suspended all Court deadlines. Therefore, the remaining 5-day appeal time was suspended until June 1, 2020 when the Court-imposed time suspension was lifted. The 5 remaining days left from the 30-day appeal time period shall be calculated when time “resumes” i.e. on June 2, 2020; under this scenario, the appealing party has until June 8, 2020 to file a timely appeal. This calculation is illustrated as follows:

Feb. 20, 2020 Arbitration Award

Day 1 for calculating the 30-day appeal period is Feb. 21, 2020.

Day 2 through Day 25 of the appeal period runs from Feb. 22 through March 16, 2020.

Day 26 through Day 30 of the appeal period runs from June 2 through June 6; however, June 6 was a Saturday, and therefore the last day to file the appeal was June 8, 2020.

10. Before March 16, 2020, my tenant filed an appeal from the MDJ’s disposition against the tenant, but also filed a Motion asking for extra time to pay the initial supersedeas amounts owed. The 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 now that the Court imposed moratorium on evictions ended?

No. The Housing Court Judge will hear the motion seeking extra time to pay the initial amount into DCR. Such motions have been scheduled and will be disposed of in a timely manner. You can check the docket for such information.

11. My tenant was required to make a payment pursuant to a specific Court order; the date set forth in the Court order fell before March 16, 2020. The tenant failed to make the payment by that date. Although I could not evict the tenant during the moratorium, can I proceed with

filing a Certificate of No Rent or Praecipe to Terminate Supersedeas with DCR, and thereafter take possession?

Yes. The landlord can file the Certificate of No Rent with the Department of Court Records and proceed to take possession because the tenant failed to comply with the specific date set forth in the Court's Order, and that specific deadline fell **BEFORE** the Court imposed moratorium on evictions.

12. When the appeal from the MDJ disposition was filed, 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 during the moratorium. May I send an Important 10-day Notice for Failure to Pay Rent into Escrow?

Yes. The landlord can proceed to serve the Important 10-Day Notice for failing to pay rent when due and owing.

13. 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 without filing a new Important 10 Day Notice of intent to take default?

No. All Court imposed deadlines were suspended through June 1, 2020. Accordingly, when the landlord sent the Important 10 Day Notice during the moratorium, it did not require the tenant to cure the default (i.e. pay all amounts owed into escrow) or do anything. The landlord must serve a new Important 10 Day Notice using the correct Important 10 Day Notice form, and sending that form by U.S. first class mail using postal form 3817.

14. Two weeks before the moratorium, I sent an important 10-Day Notice for failing to pay rent to the tenant; I used the correct 10-Day Notice form and postal form 3817 to mail the important 10-Day Notice to tenant. The tenant failed to cure and pay all amounts due within the 10 days; then the Court imposed moratorium on evictions went into effect. Now that the Court imposed moratorium on evictions is lifted can I proceed to take a default and move forward with the eviction?

Yes. You may proceed to terminate the supersedeas and move forward with eviction.

15. 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 put your agreement in writing and file a Praecipe to Settle and Discontinue the case.

16. How can I obtain the money in escrow while litigation is pending?

You can file a motion to release escrow in our office.

17. Where can I file a motion relating to my residential landlord tenant case?

Although you can obtain the paperwork to file a motion by going to the Court's website at www.alleghencycourts.us, all motions must be scheduled in person at the Housing Court Help Desk located on the first floor of the City County Building, inside of the Dept. of Court Records offices. If you have any questions, you can direct them to the Housing Court Help Desk staff in person or via email at HCHelpdesk@alleghenyCourts.us.