

FILING A STATUTORY APPEAL

Filing a Statutory Appeal is a three-step process: (1) writing your Statutory Appeal, (2) filing it, and (3) meeting with the judge at a conciliation to discuss it.

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WRITING A STATUTORY APPEAL

Statutory Appeals have (in order) a cover page, body, a copy of the Hearing Officer's Decision letter as an exhibit, and certificate of service. Blank forms for you to complete are attached.

COVER PAGE

The cover page identifies the parties and the type of appeal you are filing. It will have two columns. Print your name as Appellant and the Housing Authority as Appellee in the left column. In the right column, print your name under "filed on behalf of the Appellant". Then print your contact information: name, address, and phone number. The cashier at the Department of Court Records will fill in the case number when you file your appeal.

BODY

The next page of your Statutory Appeal is entitled "Notice of Appeal."

Print your name and the Housing Authority in the heading just like the cover sheet.

Under "Notice of Appeal", write in the date in the blank spaces provide. The next sentence identifies the legal authority which allows you to file a statutory appeal. Fill in your name in the blank space provided.

Next, write the following information in separate, numbered paragraphs:

- Identify yourself as appellant and provide your address. Include that you reside in Allegheny County, Pennsylvania.
- Identify the proper Housing Authority as the appellee and provide its address.
- Briefly state the action which the Housing Authority took that led you to request a grievance hearing (evicted you because. . .; terminated you from Section 8 because. . .).
- State that a grievance hearing was held and provide the date of the hearing.

- State that you received a letter denying your grievance and provide the date of that letter. Also write that the letter has been attached as Exhibit A.
- Briefly explain the reason why you believe the decision was in error.
- State that you wish to appeal the decision because the hearing officer's decision was in error.

You then must sign your Statutory Appeal at the end of this page.

EXHIBIT

Attach a copy of the Hearing Officer's Decision Letter as an exhibit. Write "Exhibit A" at the bottom of the page.

CERTIFICATE OF SERVICE

The last page should contain a statement called a "Certificate of Service," which states that you mailed the Housing Authority a copy of the Statutory Appeal. Complete the form by filling in the name and address of the Housing Authority and sign and date the Certificate of Service at the bottom. (The date must be the same date that you file the Statutory Appeal -- See below.)

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To file your Statutory Appeal, go to the Allegheny County Department of Court Records located in the City-County Building on Grant Street between Forbes and Fourth Avenues. **You only have 30 days from the date on the decision letter to file your appeal.**

Take three copies of your Appeal. Give the original to the Cashier. The Cashier will file the original and date and time stamp your two copies.

There is a filing fee; however, if you cannot afford the filing fee, ask the staff to give you a blank in forma pauperis (IFP) petition to complete. You will be sent to see a judge to get permission to waive the filing fee. (The judge signs those petitions at 9:30 in the morning and 1:30 in the afternoon; in order to save yourself another trip you should try to file your appeal at 8:30 in the morning or between noon and one o'clock in the afternoon.)

Once you file your Statutory Appeal with the Prothonotary's Office, you must mail a copy to the Housing Authority that same day. Keep the other copy for your own records.

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DISCUSSING THE STATUTORY APPEAL WITH THE JUDGE

When the housing authority receives your appeal, they must send you a response and record. That record will have a written transcript of the hearing. You should review the transcript carefully to find mistakes that you can use in your argument to the judge.

About two months after you file your appeal, you will receive notice of a conciliation with a judge. This is a meeting with you, the attorney from the Housing Authority, and the judge.

At that meeting you will be trying to convince the judge and the housing authority attorney that the hearing officer's decision was incorrect. If the attorney will not agree to your position, the judge will then make a decision based on the written record. She can only overrule the decision of the hearing officer if it was against the weight of the evidence or contrary to law.

The judge will send you his written decision in about two weeks.

If you need more information at that point, you should call our Intake Unit at (412) 255-6700.