

Fair Housing & the Eviction Process

FAIR HOUSING HIGHLIGHT #11

What type of notice must a landlord give me when ordering an eviction?

In order for you to be evicted, a landlord is required to give you written notice. If you have a written lease, there may be a clause in the lease saying how much notice is needed. If you have a written lease for a year or less and it says nothing, or you have an oral lease, and you are being evicted for a reason other than non-payment of rent, you must be given 15 days notice. If the lease term is for more than a year, you must be given 30 days notice to vacate. *However, if you are being evicted for non-payment of rent, your landlord is only required to give you 10 days notice unless the written lease states otherwise.*

When can a landlord file a complaint?

If the written notice expires and you have not yet vacated the dwelling, your landlord may file an Eviction Complaint against you with the local District Justice. The court will send you a copy of the Complaint. It will tell you what day to appear in court and the reasons your landlord wants you out. You must show up to the court hearing at the specified time and date, even if you and your landlord have already reached an agreement, otherwise you may lose your case.

Can I appeal an eviction?

If you are unable to make an agreement with the landlord, and the District Justice has ruled against you, you may be able to appeal your case to a higher court. The appeal can stop the eviction from taking place until the higher court rules on the case **ONLY** if you pay a bond or obtain a court order allowing you to pay the monthly rent to the court. Your appeal **MUST** be filed within 10 days of the judgment.

If the judge rules against me can the landlord lock me out of my dwelling?

If the judge rules against you, you will have 21 days from the date of your eviction hearing to vacate. Otherwise, a Sheriff or a Landlord Tenant Officer from the court can put you out, change your locks, or padlock your door. However, if you find yourself locked out by your landlord, and you did not receive a notice to go to court and/or there is not a legal paper called a "Writ of Possession" on your door, then it is possible that you have been illegally locked out. In addition, if your landlord comes to put you out while you are home and he or she does not have a constable or sheriff with them, your landlord is breaking the law. In these circumstances, it is often advised to call the local police and to seek legal advice.

How is the eviction process related to Fair Housing?

If you feel that you are being evicted for discriminatory reasons or that you are receiving discriminatory and unfair treatment during the eviction process based on your race, color, ethnicity, national origin, religion, age (over 40), familial status (having children under the age of 18 in the home), gender or disability, then your fair housing rights may have been violated.

**Questions? Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215 576-7711
or visit us online at www.fairhousingrights.org.**