

## **HELP! ILLEGAL LOCK-OUTS AND UTILITY SHUT-OFFS**

### **FAIR HOUSING HIGHLIGHT #22**

**I lost my job and fell behind in the rent. Now the landlord says that if I don't pay up immediately he is going to padlock my door and sell my things. I'm scared – can he do that?**

NO. Under Pennsylvania Landlord-Tenant Law, a landlord may not forcibly evict a tenant, padlock your door, change the locks or shut off your utilities without first going through certain legal procedures. A landlord can legally lock out a tenant only AFTER: 1) the tenant is given written notice to vacate; 2) an eviction complaint is filed in district court; 3) the tenant is summoned to the court; and 4) the judge rules in favor of the landlord. However, even if the judge says the tenant has to get out (called a "Judgment for Possession") the law does not allow the landlord to change the locks that very day.

**I lost in court. When can the landlord change the locks after the hearing? The landlord says he has a paper from the court that allows him to put me out RIGHT NOW!**

Ten days after the court hearing, if the tenant has not vacated the premises after a judge has issued a "Judgment for Possession", the landlord can request a document from the court called an "Order of Possession". A constable is then ordered to hand this paper to the tenant or to post it on the property. This is the final notice to the tenant. Eleven days after a tenant has received an "Order of Possession", a constable can come and forcibly evict the tenant from the property. *A tenant cannot be removed from the property less than 21 days from the date of the court hearing.* Without going to court and obtaining an "Order of Possession" a landlord CANNOT lock you out.

**But what if the landlord locks me out anyway, without going through any of these legal steps? A friend in Philadelphia says I should call the police. Can they make him open up?**

Pennsylvania law requires that a landlord must have a "Order for Possession" before he can legally change the locks, However, the actual remedies to a tenant who finds himself illegally locked out can differ between municipalities. In Philadelphia, a tenant who has been illegally locked out can call the police and the police can demand to see the landlord's "Order of Possession". If the landlord cannot produce it, he must immediately restore access or face arrest. *In Montgomery County, a tenant who has been illegally locked out should immediately call Legal Aid (610.275.5400) or a private attorney.*

**Does an "Order of Possession" mean the landlord can keep my things for unpaid rent?**

NO. An "Order for Possession" gives the landlord the legal right to take back possession of the premises, not your personal property. Once a tenant has been evicted, he/she still has about 30 days to retrieve their belongings before the landlord can dispose of them. However, if the landlord has also won a monetary judgment against you for unpaid rent, a landlord *could* ask the Sheriff to put a levy on your property called a "Writ of Execution". This means that your property could be taken to satisfy the money judgment. The landlord can request this levy 31 days after judgment.

**My landlord illegally shut off my utilities to try to make me move. What should I to do?**

The same rules apply as for illegal lock-outs. First call the utility company to make sure that it was not the utility company that shut them off. You can turn them back on yourself or have a contractor do it. Then call a private attorney or Legal Aid.

**Questions? Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215 576-7711  
or visit us online at [www.fairhousingrights.org](http://www.fairhousingrights.org).**