

*Serving Bucks, Chester,
Delaware and Montgomery
Counties Since 2001*

www.lasp.org

Mission

The mission of LASP is to provide quality legal representation to low-income and vulnerable people from Bucks, Chester, Delaware and Montgomery Counties, to empower them to solve problems without legal representation through legal education and increased access to the courts, and to change community practices and systems that cause or aggravate poverty.

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*“The ache for home
lives in all of us.”*

Maya Angelou

Please Note: Articles in this newsletter are intended to provide general information and not specific legal advice. If you have a specific legal problem, you should consult an attorney or call our toll-free Helpline at 1-877-429-5994.



The Protecting Tenants at Foreclosure Act



The foreclosure crisis combined with the poor economy has caused a significant number of foreclosures in the past three years. While the effect on homeowners is clear, tenants living in rental properties in foreclosure are also at risk of losing their housing when their landlords fall behind on mortgage payments.

To address this problem, The Protecting Tenants at Foreclosure Act (PTFA) gives new federal rights to tenants. In most circumstances, the tenants must be permitted to remain in their home for the full term of their lease (unless the new owner plans to live in the property). Also, the PTFA specifically extends these protections to tenants who receive Section 8 housing subsidies. The new owner must contact the local Housing Authority and step into the shoes of the old owner.

Warning signs that a new owner is not compliant with PTFA:

- Notice to quit that is a clear violation of the law. In some cases, new owners (including banks and their agents) are notifying tenants that they must leave immediately.
- Unclear and/or misleading information. Some lenders/agents are sending notices that are difficult for even attorneys to understand.
- Misleading cash for keys offers. Some tenants are being offered a money payment in exchange for leaving immediately, without ever being told they have the option to stay.
- No communication. No effort is made by the new owner to determine if there are tenants on the property.
- Failure to contact local housing authority. Some new owners are not meeting the obligations they must assume under the Housing Assistance Payments contract entered into by the previous owner.

Unless it is extended, PTFA will only remain in effect through December 2012.

Rights and Protections for Residents of Manufactured Housing

For many people in our region, manufactured housing is an affordable housing option. According to a 2009 report by the Center for Rural Pennsylvania, manufactured homes make up approximately 11% of the housing stock in Pennsylvania's rural areas.

Although residents of manufactured housing generally own their home, they frequently rent the land on which their home is located. As a special category of renters, Pennsylvania law does offer specific rights and protections to residents of manufactured home communities.

Under the Manufactured Home Community Rights Act (MHCRA), residents of manufactured home communities have legal rights including:

- Freedom from eviction without good cause;
- Freedom from retaliation for exercising rights;
- Freedom of speech and association;
- The right to participate in a tenants' association/organization;
- The right to sell one's home in place.

MCHRA has specific provisions regarding:

- Written, renewable leases
- Limits on how often rent can be increased
- Fair procedures for eviction
- Rights to have business and social visitors
- Rights to make interior improvements to the home
- Disclosure of fees
- Selling one's home

LEARN MORE

Numerous other provisions for residents of manufactured housing are detailed in a new fact sheet, "Summary of Rights of and Protections for Residents of Manufactured Home Communities in Pennsylvania," available from Regional Housing Legal Services.

Call 215-572-7300 to receive a copy.



CLIENT

Fact Sheet

Issues in Housing Law | Spring 2011

*Prepared by Legal Aid of
Southeastern Pennsylvania*

This fact sheet is intended to provide general information and not specific legal advice. The law often changes. Each case is different. If you have a specific legal problem, you should consult an attorney or call the LASP Helpline toll-free at 1-877-429-5994.

Se habla español.

In Pennsylvania, tenants have rights which are guaranteed by state law.

Here is a short overview >

Tenants' Rights FREQUENTLY ASKED QUESTIONS

How much notice does the landlord have to give before evicting me?

It depends on whether you have a written lease or a verbal lease. If there is a written lease, the amount of notice is usually written in the lease. It may say that the landlord doesn't have to give you any notice at all. That is legal. It all depends on what the lease says. If you and your landlord have a verbal agreement about renting your home and the landlord wants to evict you, you are entitled to get a written notice. If the landlord wants you out because you are behind in rent, or if your eviction is based upon a drug conviction, the landlord must give you 10 days' notice. If you are being evicted for other reasons, the landlord must give 15 days' notice.

When can my landlord sue to evict me?

A landlord can take to you court if you have not moved out after getting an eviction notice or, if your lease says that the landlord doesn't have to give you notice, he can take you to court without written notice.

***My landlord is taking me to court—
should I go to the district justice hearing?***

Yes, you should. Especially if you have a "defense" or "counterclaim" against your landlord. You should go even if you made an agreement with your landlord or your landlord said he was going to cancel the hearing. (He may not follow through as he promised.) If you cannot go on the scheduled date, call the District Justice and ask if it can be rescheduled.

I know I owe rent, but I need more time to move.

You have no legal right to demand more time in order to find a place and move. If you owe rent, your landlord has the right to have you evicted. It doesn't matter whether you got behind in rent because you were sick and lost work or because you spent money on other things. Remember, if you withheld your rent because of bad conditions, you may have a "defense" to the eviction and you should raise that at the District Justice's hearing.



CLIENT **Fact Sheet**

Issues in Housing Law | Spring 2011

Tenants' Rights FREQUENTLY ASKED QUESTIONS

My situation is special— I can't be evicted, right?

It depends.

Right, if you can prove that you didn't violate your lease. If your landlord has singled you out because of your age, sex, race, national origin, religion, disability, or family status, you might have some special protections. Consult a lawyer if this happens to you.

Wrong, for example, even if your situation is that you are a senior citizen or you have several children, you have the same responsibilities as other tenants. If you're behind in your rent or you broke your lease some other way, the landlord can evict you.

Is there any way to stop my being evicted?

1. If you are being evicted for the sole reason that you are behind in your rent, the law allows you to pay the rent judgment up to the time of the scheduled eviction and save your tenancy.

You need to pay the money you owe to the constable, not directly to your landlord. Call the District Justice's office and speak with the constable to arrange payment.

2. You can appeal a District Justice judgment against you, but you may be required to pay a bond to do so. The appeal has to be taken within 10 days. Also, you will have to deposit your monthly rent into a Court escrow account until your appeal hearing in order to stay in your residence.

How much time do I have after the hearing to move?

If you don't appeal, you will have at least 21 days before you have to move out.

The actual number of days depends on how fast the landlord acts. He is not allowed to do anything until at least 10 days have passed following the District Justice's decision. He can request an "Order for Possession" from the District Justice on the 11th day or any day after that.

The landlord will send you the Order for Possession and a constable or sheriff will serve you with the Order by handing it to you or posting it on your door. It will give you a final 10 days to move. On or after the 11th day following service of the Order for Possession, the constable or police can physically evict you if you haven't moved out. They can change the locks and put your stuff outside.

My landlord has threatened to lock me out. Can he?

The law does not allow a landlord to lock a tenant out without going to court first. If your landlord illegally locks you out (or turns off your heat or utilities), consult a lawyer immediately. With a lawyer's help, a Judge may force your landlord to let you move back in or turn your heat back on.

Content for this fact sheet was prepared by Leo Vasmanis, Esq., staff attorney in Legal Aid of Southeastern Pennsylvania's Chester County Division. This fact sheet is meant to give general information and not to give you legal advice.

News and Notes

■ Two Delaware County LASP employees were featured at the Pennsylvania Legal Aid Network Excellence Award Dinner, held in Harrisburg on March 22. **Christina Matthewson**, who handles Housing and Family Law in Delaware County, was featured on a video shown that evening to recognize the individuals involved in establishing the Pennsylvania Loan Assistance Repayment Program (LRAP), which assists public interest attorneys with repayment of student loans. The video can be viewed online at www.palegalaid.net/services/leadership/awards. **Karen Tyler**, who wears three hats as Pro Bono Coordinator, Elder Law Paralegal and Office Manager, received an Excellence Award for 35 years of service to clients in Delaware County.

■ Helpline paralegal **Mavis Goss** has been inducted into the National Paralegal Honor Society, Lambda Epsilon Chi. Kudos also to **Faith Maziti**, Compliance and Grants Manager, who will complete her Master of Business Administration degree from the Drexel University LeBow College of Business in June. Congratulations to Bucks County Elder Law Attorney **Allison McConnell** who gave birth in April to twins, Owen and Olivia. Former volunteer attorney **Roz Karlin** has joined the staff to help fill the gap while Allison is out on maternity leave. Longtime support staff person, **Jan Heebner**, recently retired from her position in the Doylestown office of Legal Aid. We wish her well and hope that she will stay in touch!

■ In March, **the Doylestown Office of Legal Aid moved to new offices** located at 108 N. Main Street. This space, like our former location, is made available to Legal Aid by the County of Bucks for \$1 per year. More than 800 Protection from Abuse legal cases, as well as child custody and dependency cases, are handled from this office each year.

Attention Sponsors & Runners! Two Races to Benefit LASP

Trial Run 5K June 18, 2011 **Online at trialrun5k.com**

West Chester, PA

For sponsorship or registration information, contact Christine Zaccarelli at czaccarelli@lasp.org or 610-436-4510.



Race Judicata July 20, 2011 **Online at bucksracejudicata.com**

Doylestown, PA

For sponsorship or registration information, contact Allison Livezey at allisonl@bucksbar.org or 215-348-9413 ext. 118.



Bucks County
108 N. Main Street
Doylestown, PA 18901
215-340-1818

1290 Veterans Hwy, Box 809
Bristol, PA 19007
215-781-1111

Chester County
222 N. Walnut Street
West Chester, PA 19380
610-436-4510

1003 E. Lincoln Highway
Coatesville, PA 19320
610-380-7111

Delaware County
410 Welsh Street
Chester, PA 19013
610-874-8421

Montgomery County
625 Swede Street
Norristown, PA 19401
610-275-5400

248 King Street
Pottstown, PA 19464
610-326-8280

Free Legal Help

Legal Aid of Southeastern PA provides free civil legal services for low-income residents of Bucks, Chester, Delaware and Montgomery counties.

LASP Helpline
Mon-Fri, 9 am-1pm
1-877-429-5994
TOLL-FREE

Legal Aid also provides help with mortgage foreclosure and predatory lending problems.

Don't Borrow Trouble Helpline
Mon-Thu, 9am-1pm
1-888-275-8843
TOLL-FREE

Se habla español.

LASP offers educational brochures on these topics. To order copies, in English or Spanish, call the Helpline.

Advance Healthcare Declaration
Bankruptcy
Child Support
Credit Reports
Custody
Deposits
Divorce and Separation
Evictions

Food Stamps
Issues in Aging
Landlord/Tenant Law Security
LIHEAP
Medical Assistance
Power of Attorney
Preventing Foreclosure
Protection from Abuse
Public Housing
Repossessions
Social Security
Unemployment Comp
Utility Law

Community Education and Outreach

LASP offers community legal education, staff in-service training and outreach about our services to a variety of groups in our four-county region. To schedule a LASP representative for an upcoming event, call Harvey Strauss, Esq. at 610-275-5400 x117.