Yesterday, Governor Wolf signed an Order staying evictions that would require compliance with the Pennsylvania Landlord and Tenant Act of 1951 and the Manufactured Home Community Rights Act for 60 days, until July 10, 2020. The Order provides that the timelines necessary to start an eviction action are tolled until July 10, 2020. The Order also puts foreclosures requiring compliance with Act 6 and Act 91 on hold for the same 60 day period.

Act 6 requires, among other things, a lender to send a 30-day notice of intent to foreclose to a borrower prior to starting a mortgage foreclosure action. In some cases, a lender is required to send an Act 91 notice that advises a borrower that the borrower has 30 days to meet with their lender prior to a mortgage foreclosure being initiated.

The Pennsylvania Supreme Court extended the existing Judicial Emergency through June 1, 2020. Based on the Governor’s Order, certain evictions and foreclosures cannot be filed until on or after July 10, 2020, regardless of when the courts reopen.

As protections for tenants and mortgagors are extended, lawmakers in the Pennsylvania House of Representatives continue to work on a bill to freeze rent and mortgage payments in Pennsylvania. No bill has been introduced.

The Coronavirus Aid, Relief and Economic Security (CARES) Act further restricts evictions for “covered properties” for 120 days, until July 25, 2020. If, for example, a property has a federally backed mortgage loan, then it is a “covered property” and...
subject to the Act. Additionally, if it is a covered property, then a landlord cannot assess late fees, penalties or other charges based on a tenant’s nonpayment. A landlord is permitted to send nonpayment notices, and terminate the lease (if at least 30 days’ notice has been given). The Act only prohibits evictions based on nonpayment of rent.

The rights of landlords and tenants remain fluid during the pandemic. Courts are gearing up to reopen and have been scheduling hearings; however, in light of Governor Wolf’s most recent Order, the timelines for evictions and foreclosures will change in some cases.

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