

ADVICE ON CHANGES TO EVICTION PROCESS DURING COVID-19

Our Firm has compiled a list of what we believe will be some of the most notable changes to the eviction process and ideas on how you can adapt to them.

1. **Delays:** Courts have not processed any evictions for months. You should be prepared for all evictions to take much longer to get to the final writ stage and for the sheriff to execute the writ.
2. **New Forms:** Some judges and counties may require us to file additional affidavits and forms in order to proceed with the eviction. They may require us to file affidavits, for example, stating that the tenant is still in possession of the premises. We will provide you with these forms as needed.
3. **More Virtual Hearings:** If you are not familiar with zoom or other teleconferencing tools, now is the time to do so. The courts have embraced virtual hearings as the alternative to in-person hearings. While virtual hearings are similar to in person hearings, they can present some unique challenges. This means that when we have a hearing, you will need to be somewhere with a good internet or phone connection.
4. **Social Distancing Practices in Courts:** When there are in-person hearings, you should expect the courts to enforce social distancing practices and procedures. You will be required to wear a mask in court. Be prepared. It also means that it may take longer to get through security. Be early and plan accordingly.
5. **Tenant Friendly Courts:** Over the past few months, the press has been covering the pending eviction crisis in America. While this is speculation on our part, we anticipate judges to be more tenant friendly and receptive to reasons to dismiss the case. You may also see judges schedule more hearings to determine the amount of rent to be deposited into the registry, refer you to mediation, or push you to enter into a stipulation.
6. **More Attorney Represented Tenants:** You can expect more tenants to be represented by attorneys—particularly low-income tenants. Legal Aid organizations are already doing outreach on social media seeking pro bono attorneys to advise and represent tenants in evictions.

What You Can Do to Adapt

1. **Communicate with your tenants ahead of time. Work out arrangements and agreements when you can.**
Alternative arrangements are beneficial in a number of ways. They show the judge that you are willing to work with the tenant. Additionally, if you enter into an agreement to vacate with the tenant, we can use this as the basis for the eviction rather than a nonpayment notice.
2. **Check, double check, and triple check your notice to pay or vacate.**
Tenant attorneys and judges will be alert for mistakes in your nonpayment notices. Be sure that your notice includes rent only. We advise against including late fees or other charges.

This is in effort to streamline your eviction, including any motion to determine rent hearings.

- 3. Check your emails regularly for communication from us regarding hearings and any updates.**
- 4. Respond promptly to any requests from us for documents or information.**
Because many of our hearings will be virtual, we will have to file exhibits ahead of time.
- 5. Find your internet sweet spot.**
Make sure you have a quiet spot with good internet reception to attend virtual hearings.
- 6. Be prepared to enter into more stipulations.**
 - Stipulations allow the judge to avoid an immediate eviction and, in effect, give the tenant a “second chance”. As such, they show the court that you are willing to work with the tenant and paint you as a reasonable landlord.
 - If you know that the tenant will not be able to pay, consider a vacate stipulation.
- 7. Buy a plain, solid colored mask for court and leave it in your glove compartment.**
When there are in-person hearings, Courts will require that you have a mask for in person hearings. Go ahead and put a plain, solid colored mask or two in your glove compartment so that we avoid having cases dismissed due to failure to attend because you forgot a mask.
- 8. If you are experiencing any symptoms of COVID-19 or feel sick, do not come to court. Have a colleague cover at the hearing for you or let us know so we can get the hearing continued.**

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