

**THE SUPREME COURT OF PENNSYLVANIA**

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**No. 90 MM 2020**

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**PRIVATE PROPERTIES, et al.,  
Petitioners**

**v.**

**TOM WOLF, Governor of the Commonwealth of Pennsylvania, JOSH  
SHAPIRO, Attorney General of the Commonwealth of Pennsylvania,  
Respondents**

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**APPLICATION FOR LEAVE TO FILE AMICUS BRIEF**

1. On May 12, 2020, Petitioners filed a Petition for Extraordinary Relief Pursuant to King's Bench Jurisdiction seeking to invalidate portions of Governor's order dated May 7, 2020 which affect landlord-tenant cases.
2. On May 18, 2020, the Governor filed and Answer opposing the Petition for Extraordinary Relief.
3. Given the importance of this issue and the unique perspective the City of Pittsburgh (Pittsburgh) can offer as amicus curiae, in accordance with Pa.R.A.P. 531(b)(4), Pittsburgh asks the Court for permission to file an amicus brief in this matter.

4. Given the emergent nature of this matter, Pittsburgh has attached the Brief it proposes to file as Exhibit A.

Respectfully submitted,

*/s/ Wendy Kobee*

Wendy Kobee

*Associate City Solicitor*

Pa. I.D. No. 62916

Yvonne S. Hilton

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Attorneys for Amicus Curiae City of Pittsburgh

# **Exhibit A**

**IN THE SUPREME COURT OF PENNSYLVANIA**

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**BRIEF OF *AMICI CURIAE*, CITY OF PITTSBURGH, IN SUPPORT OF  
RESPONDENTS**

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Petition for Extraordinary Relief Pursuant to King's Bench Jurisdiction  
filed May 12, 2020

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Yvonne S. Hilton  
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Attorneys for Amicus Curiae City of Pittsburgh

## **STATEMENT OF INTEREST OF AMICUS CURIAE**

The City of Pittsburgh (“Pittsburgh”) has a comparatively large percentage of renter-occupied housing with a rental rate of 52.2%.<sup>1</sup> Of Pittsburgh’s 136,275 households, 71,136 live in rental units.<sup>2</sup> Commonwealth wide, as Petitioners note, less than a third, or 31.70%, are renters<sup>3</sup>. Any action permitting evictions to proceed prior to the meaningful opportunity for renters to satisfy outstanding obligations once financially able will likely have a detrimental impact on Pittsburgh’s tax revenues, the well-being of many Pittsburgh residents, and Pittsburgh’s healthcare system.

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<sup>1</sup> *See*, <https://www.census.gov/quickfacts/fact/table/pittsburghcitypennsylvania/RHI225218> (last visited May 20, 2020).

<sup>2</sup> *Id.*

<sup>3</sup> *See*, Petition, paragraph 11. Using the same US Census data source, Petitioners reference 1,592,966 rental households Commonwealth-wide.

## **ARGUMENT**

### **I. Enabling Evictions Prior to the Influx of Government Aid to the Unemployed Will Likely Deprive Pittsburgh of Needed Revenue**

Real estate taxes are Pittsburgh's largest source of revenue.<sup>4</sup> With more than half of the residential dwellings landlord-owned, Pittsburgh is interested in seeing that landlords are able to pay expected taxes from receipt of overdue rents to fulfill its obligation to preserve a safe, healthy environment for all residents. Of the \$591,132,684 Total Revenue projected for 2020, nearly 25% or \$147,442,979, is from real estates. Any year when property owners default on the obligation to pay real estate taxes, the City's ability to deliver full services to residents is detrimentally impacted. Should that occur on a large scale, one can anticipate that a reduction in governmental services - making for a less attractive environment for taxpayers of every sort – would continue to operate as a depressing force on the local economy.

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<sup>4</sup> See, City of Pittsburgh 2020 Operating Budget, Budget Guide, p.11 at [https://apps.pittsburghpa.gov/redtail/images/8055\\_Operating\\_Budget\\_as\\_approved\\_by\\_Council\\_12-17-19\(3\).pdf](https://apps.pittsburghpa.gov/redtail/images/8055_Operating_Budget_as_approved_by_Council_12-17-19(3).pdf)

<sup>5</sup> Approximately 40 percent of the assessed value of Pittsburgh properties fall into this tax-exempt category, or around 19,000 parcels. The 2020 Local Assessment Roll Report of Real Estate Valuation Tax shows the total assessed value of all real estate in Pittsburgh is more than \$32B, 1/3 of which is currently exempt from real estate taxes. <https://www.wesa.fm/post/how-much-pittsburgh-property-untaxed-and-how-does-city-get-its-money-stream/0>. Collection of anticipated revenues is necessary to support City operations.

It would generate a downward spiral of reduced services causing reduced revenues causing a further reduction in services and so on.

The unemployment surge caused by COVID19, as other *amici curiae* have noted, puts more households at risk of eviction<sup>6</sup> for inability to pay rent. As many rental units in Pittsburgh are owned by many persons with a small number of properties<sup>7</sup>, the policies and practices being implemented and contemplated for financial assistance to the unemployed will ultimately position tenants to pay overdue rent and provide many landlords with the revenues necessary to satisfy their real estate tax obligation to Pittsburgh within the budget year. Pittsburgh's expectation is in line with the trends in eviction case outcomes in our Judicial District.

A 2019 Report from Allegheny County Department of Human Services and the Pittsburgh Foundation about eviction cases in Allegheny County shows that more than two thirds of the eviction cases initiated by private landlords and more than 90% of the cases initiated by each of the three area public housing authorities

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<sup>6</sup> This point is made by *Amici Curiae* Action Housing, Neighborhood Legal Services, Community Justice Project, Senior Law Center, Pittsburgh United, Pittsburgh Union of Regional Renters, and Tenant Union Representative Network in their Brief in Support of Respondents.

<sup>7</sup> See, <http://pgh-housing-by-volume.earthtime.org/> for the relevant waypoint, of a data set prepared by CMU's CREATE Lab. N.B. It takes a moment for the image to load.

result in a “Pay and Stay Order” intended to allow the tenancy to continue on condition that the rent arrears are satisfied within an agreed time period. *See*, Appendix A, p. 24. The typical time frame from the date the eviction complaint is filed to the payment deadline or the tenant loses possession ranges from 22 to 42 days. This analysis shows that most local landlords use eviction proceedings as leverage to receive payment of overdue rent and will only remove the tenant from the dwelling as a last resort. While this method imposes an additional cost on the tenant, the landlord’s hoped-for outcome is only realistic if the tenant has funds available. Low-income tenants account for a disproportionately high number of eviction cases and are hurt the most by the additional costs resulting from eviction filings. *See*, Appendix A, p. 25.

When it is known that funds will be available in the near future, common sense dictates waiting.

Should Petitioners succeed in enabling evictions, however, the landlords who pursue evictions before it is realistic to expect payment will likely end up with judgments they will have difficulty collecting and possession of a rental unit that will be difficult to fill. Under these circumstances, Petitioners must want the right to regain possession from their overdue tenants rather than a “Pay and Stay Order”. As a landlord is free to extend the time period for payment to stay, Petitioners’ drive to advance the date is puzzling. With unemployment rates soaring and with



Pittsburgh rental vacancy rates of 6.59%<sup>8</sup>, it's difficult to imagine who will be in a position to afford to move into a vacated rental unit before the unemployed tenant population receives supplemental benefits to be able to afford rent.

**II. If evictions could be initiated prior to July 10th, dispossessed renters will likely become nomadic and possibly homeless: ultimately this risks strain on the healthcare system.**

Pittsburgh's average household size is 2.6 persons.<sup>9</sup> Commonwealth-wide, the average household size is 2.46. Any measure that allows more than 3,918,696 people in the Commonwealth to safely shelter from the COVID19 pandemic is rational. Should landlords dispossess tenants from safe shelter when tenants have no financial resources to secure their own safe housing, they will end up nomads, moving into the households of family and friends for short-term stays. When those options are exhausted, members of the dispossessed households can end up homeless without shelter. Each of these possible outcomes compromises the success of social distancing and limited physical contacts within groups. Maintaining these public health practices is essential until the virus' spread can be controlled with a tested vaccine. Without continued application of the practices informed by the CDC and

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<sup>8</sup> <https://www.deptofnumbers.com/rent/pennsylvania/pittsburgh/> (last visited 5.20.20). The data used are for all rentals across a broad range of incomes. The vacancy rate for rentals affordable to low income residents may differ.

<sup>9</sup> See, US Census quick facts, link in footnote 1, above.

WHO, we risk everything that comes with community spread of COVID19 and a surge of cases.

### **CONCLUSION**

For the foregoing reasons, Amicus Curiae City of Pittsburgh requests the Court deny the Petition and maintain the validity of the May 7, 2020 Executive Order.

Respectfully submitted,

City of Pittsburgh Law Department  
Yvonne S. Hilton, City Solicitor

*/s/Wendy Kobee*  
Associate City Solicitor  
Attorney I.D. No. 62916

414 Grant Street,  
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Pittsburgh, PA 15219

Attorneys for Amicus Curiae  
City of Pittsburgh

DATED: 20 May 2020

**CERTIFICATE OF COMPLIANCE UNDER Pa.R.A.P. 2171**

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

*/s/Wendy Kobee*  
Wendy Kobee, Esq.

Date: May 20, 2020

## **WORD COUNT CERTIFICATION**

I hereby certify that the above brief complies with the 4,500 word count limit of Pa.R.A.P. 531(b)(3). Based on the word count feature of the word processing system used to prepare this brief, this document contains 1,106 words. (This count excludes Appendix A which is attached as a convenience to the Court.)

*/s/ Wendy Kohee*

DATE: 20 May 2020

**CERTIFICATE OF SERVICE**

I, Wendy Kobee, do hereby certify that I have this day caused to be served the foregoing *Amici Curiae* Brief by electronic service via PACFile and via electronic mail.

*/s/ Wendy Kobee*

DATE: 20 May 2020

# APPENDIX A

## Eviction cases in Allegheny County, 2012-2018

Rachel Rue

Michael Yonas, DrPH

Allegheny County Department of Human Services    The Pittsburgh Foundation

### INTRODUCTION

The Allegheny Department of Human Services (DHS) has been working with the Pittsburgh Foundation for two years to help gather and analyze data about eviction filings in Allegheny County. The Foundation has convened a number of stakeholders and held multiple discussions about potential initiatives to prevent eviction and ameliorate its effects.

This report summarizes our findings from the Magisterial District Courts in Allegheny County, where all landlord-tenant cases are initially filed.

We focus particularly on eviction cases involving low-income tenants, who account for a disproportionately high number of eviction cases and are hurt the most by the additional costs resulting from eviction filings.

### I. SCALE OF THE EVICTION LANDSCAPE IN ALLEGHENY COUNTY

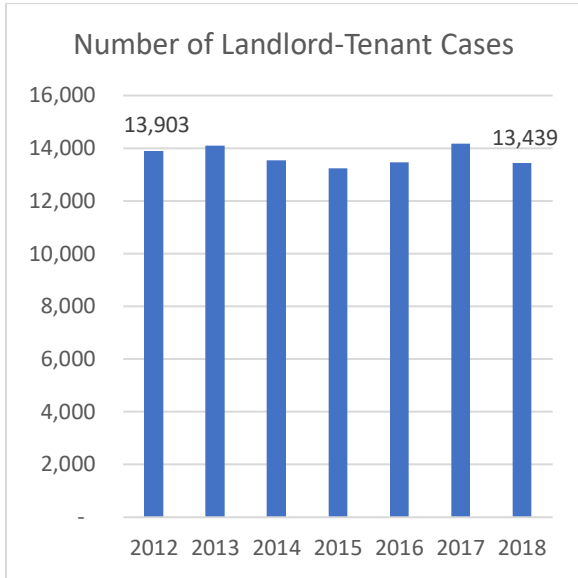
In the seven year period 2012-2018, Magisterial District Courts in Allegheny County heard an average of 13,696 landlord-tenant cases per year. There was some fluctuation in the total number of cases year to year, but no clear trend upward or downward. On the other hand, the average dollar amount claimed per case rose 25% during the same period. In the year 2018,

- 13,439 landlord-tenant cases were filed;
- \$24 million was claimed by landlords;
- \$1870 was claimed per case on average.

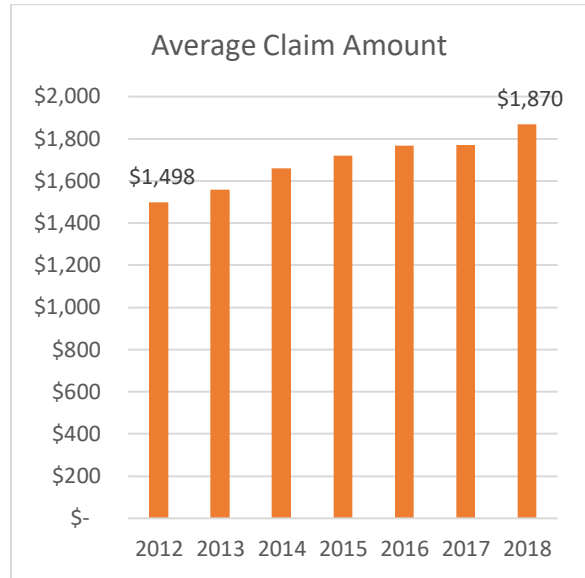
*Table 1. Annual number of landlord-tenant cases filed and average claim amounts, Allegheny County 2012-2018*

Year	Number of cases	Average claim amount
2012	13,903	\$1498
2013	14,100	\$1559
2014	13,549	\$1658
2015	13,235	\$1721
2016	13,463	\$1767
2017	14,182	\$1772
2018	13,439	\$1870

**Chart 1a. Annual number of landlord-tenant cases filed, Allegheny County, 2012-2017**



**Chart 1b. Average amount claimed in landlord-tenant cases, Allegheny County 2012-2018**





## II. LANDLORDS IN EVICTION CASES: TYPE and NUMBER

A small number of landlords account for a third of the cases filed each year, and those landlords account for an even higher percentage of cases filed against the lowest income tenants.

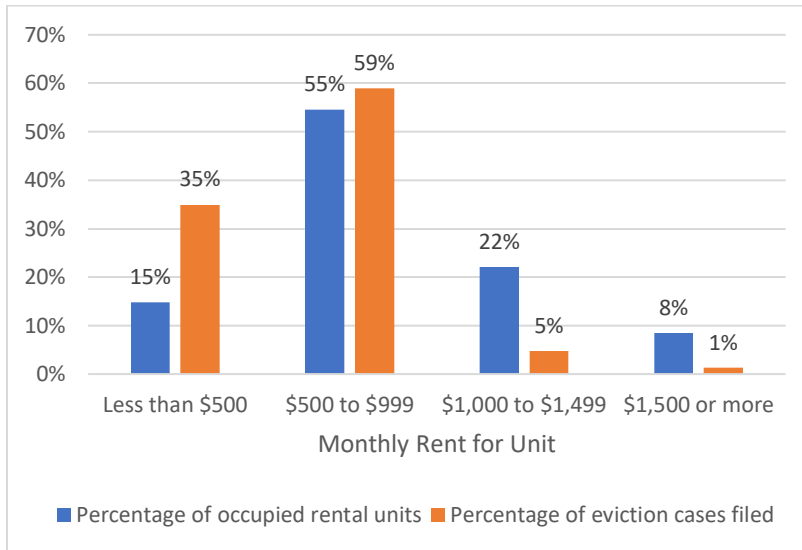
Tenants at all income levels experience eviction, but there are disproportionately more cases filed against tenants paying the lowest rent. In 2016, for example, households paying under \$500/month in rent accounted for 15% of occupied rental units in Allegheny County, but more than twice that percentage of eviction cases (Table 2, Chart 2).

Many of the households paying the lowest rent live in publicly assisted housing. In Allegheny County, two thirds of these households live in private market rental units, subsidized through Section 8 vouchers (Housing Choice Vouchers, also known as tenant-based Section 8). Most of the rest live either in properties owned by the county's three housing authorities, or in properties owned or managed by private companies, where some or all of the units are reserved for tenants receiving rental assistance through property-based Section 8 vouchers. In our breakdown of landlords in landlord-tenant cases, we separate out the housing authorities and the owners/managers of other HUD-assisted properties. We are unable to separate out landlords whose tenants receive rental assistance through tenant-based Section 8. This is a significant lacuna in our analysis.

Table 2. Occupied Rental Units and Eviction Case Filings by Monthly Rent, Allegheny County, 2016.

Occupied units paying rent	Number of occupied rental units <sup>10</sup>	Percentage of occupied rental units	Number of eviction cases filed	Percentage of eviction cases filed
Less than \$500	27,051	15%	4197	35%
\$500 to \$999	99,341	55%	7087	59%
\$1,000 to \$1,499	40,166	22%	568	5%
\$1,500 or more	15,444	8%	154	1%
<b>total</b>	<b>182,002</b>	<b>100%</b>	<b>12,006</b>	<b>100%</b>
<b>Median rent</b>	<b>\$819</b>			

Chart 2. Occupied Rental Units and Eviction Case Filings by Monthly Rent, Allegheny County, 2016



Allegheny’s three housing authorities—the Housing Authority of the City of Pittsburgh (HACP), the Allegheny County Housing Authority (ACHA), and the McKeesport Housing Authority—along with the companies managing other HUD-assisted properties—account for about 3 out of 10 of all eviction filings in the county. (Table 3, Chart 3). (See *Data Sources and Methods* section for notes about grouping landlords by type.)

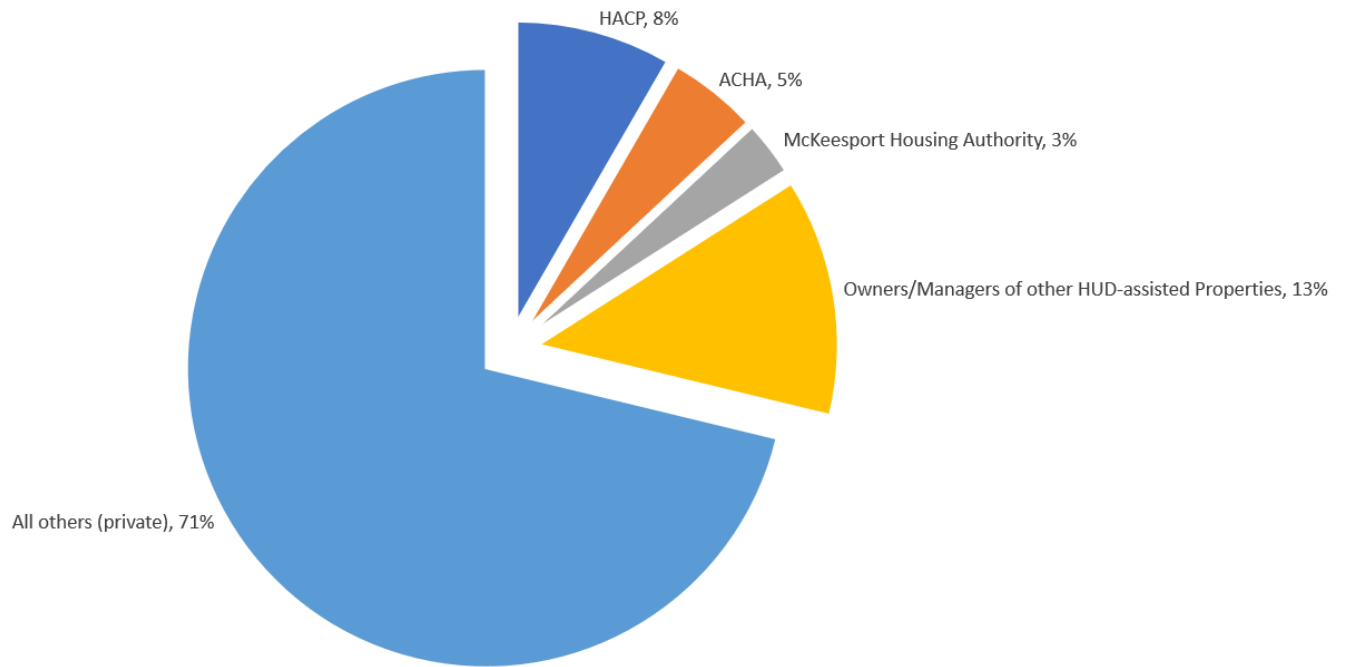
<sup>10</sup> Source for Occupied Rental Unit Data: U.S. Census Bureau, 2016 American Community Survey (ACS) 1-Year Estimates, Table DP04. There is some inconsistency in tenant responses to the ACS survey question about rent: some tenants receiving rental subsidies report the amount of rent they pay out of pocket, and some report the total amount the landlord receives, including the subsidy. A Census Bureau study of this problem concluded that the majority of HUD housing assistance recipients report the amount that they pay out of pocket, not the total amount the landlord receives. (W. Ward Kingkade, “What are Housing Assistance Support Recipients Reporting as Rent?”, Social, Economic, and Housing Statistics Division Working Paper 2017-44, U.S. Census Bureau 9/12/2017, p. 9). However, the inconsistency in responses may still result in an underestimate of the number of households paying under \$500/month in rent.

*Table 3. Number and Percentage of Eviction Cases filed by Landlord Type, Allegheny County 2012-2018*

Landlord Type	2012	2013	2014	2015	2016	2017	2018
Housing Authorities	2613	2426	2232	2160	2199	2497	2146
HUD	1351	1290	1338	1387	1407	1569	1721
Private	9,939	10,384	9,979	9,688	9,857	10,116	9,572
Total	13,903	14,100	13,549	13,235	13,463	14,182	13,439

Landlord Type	2012	2013	2014	2015	2016	2017	2018
Housing Authorities	19%	17%	16%	16%	16%	18%	16%
HUD	10%	9%	10%	10%	10%	11%	13%
Private	71%	74%	74%	73%	73%	71%	71%

*Chart 3. Percentage of Eviction Cases by Landlord Type, Allegheny County 2018*



The 16 landlords who filed more than 100 cases in 2018 included all three housing authorities, five private companies who manage other HUD-assisted rental properties, and eight private companies operating market-rate apartments. These 16 landlords accounted for a third of all cases filed in 2018. (Table 4)

*Table 4. Top Filers of Eviction Cases in Allegheny County, 2018*  
(See *Data Sources and Methods* section for notes about identifying landlords.)

Landlord	Case Filed	Type
HACP	1122	Housing Authority
ACHA	639	Housing Authority
Brandywine Agency	430	Assisted Housing Mgt. Co.
McKeesport Housing Authority	389	Housing Authority
Leland Point	239	Private
AHRCO	235	Assisted Housing Mgt. Co.

Landlord	Case Filed	Type
Rimco Properties Inc	219	Private
Lobos Management	196	Private
Meyers Management	143	Private
KPMS	141	Assisted Housing Mgt. Co.
BCJ Management LP	121	Private
Neighborhood Partners	110	Assisted Housing Mgt. Co.
Aegis Reality Partners	107	Private
Amore Management	107	Private
Arbors Management	103	Assisted Housing Mgt. Co.

At the other end of the scale, around 2000 landlords—more than 60% of the roughly 3200 distinct landlords—filed only one case in 2018, and around 1000 landlords—over 30%—filed between two and five cases. Altogether, over 90% of landlords filed between one and five cases in 2018. In summary:

- One third of all cases were filed by the sixteen landlords who filed over 100 cases in 2018
- One third of all cases were filed by the three thousand landlords—mostly private individuals—who filed 5 or fewer cases.
- One third of all cases were filed by fewer than 200 landlords—a mixture of private individuals, real estate companies, management companies, and non-profits—who filed 6-100 cases in 2018.

### III. EVICTION CASE OUTCOMES

In Allegheny County as a whole, the outcomes of landlord-tenant cases are nearly constant from year to year. (Table 5)

- Landlords win about 86% of landlord-tenant cases.
- Tenants win about 1.4% of cases.
- Very few cases are appealed.

*Table 5. Eviction Case Outcomes, Allegheny County 2012-2018*

CASE_EVENT	2012	2013	2014	2015	2016	2017	2018
Judgment for Tenant	211	177	188	196	206	212	182
Judgment for Landlord	11,987	12,178	11,664	11,360	11,526	12,227	11,338
Case Withdrawn	481	532	527	498	638	664	780
Settled	673	675	630	634	561	505	577
Dismissed Without Prejudice	518	517	489	503	492	520	540
CASE_EVENT	2012	2013	2014	2015	2016	2017	2018
Judgment for Tenant	1.5%	1.3%	1.4%	1.5%	1.5%	1.5%	1.4%
Judgment for Landlord	86%	86%	86%	86%	86%	86%	84%
Case Withdrawn	3.5%	3.8%	3.9%	3.8%	4.7%	4.7%	5.8%
Settled	4.8%	4.8%	4.6%	4.8%	4.2%	3.6%	4.3%
Dismissed Without Prejudice	3.7%	3.7%	3.6%	3.8%	3.7%	3.7%	4.0%

The uniformity of case outcomes for the county as a whole from year to year does not hold between different magisterial districts in any given year, or for different judges in the same magisterial districts when one judge is replaced with another after an election. Across districts, the percentage of cases withdrawn or settled ranges from less than 1% to 36%. This variation represents a possible avenue for policy changes, as it indicates that the approach and practice of individual Magisterial District Judges have a considerable effect on case outcomes. One way to check whether the difference between districts is due to the individual judge—as opposed to the different types of housing, landlords, and tenants in different districts—is to see what happens when there is a change of judge within a district. We looked at changes in case outcomes after elections in 2017, focusing on the percentage of cases that were withdrawn or settled. Cases that are settled or withdrawn may represent resolutions that are better for the tenant than losing the case—even when the tenant agrees to leave as part of the settlement.

- After contested elections where a new judge was elected, both the average and median percentage of cases withdrawn or settled per district rose dramatically.
- In 5 of the 6 districts where a new judge was elected, the percentage of cases withdrawn or settled increased.
- After contested elections where the incumbent was retained, there was little change in the average percentage of cases withdrawn or settled per district.

Table 6 and Chart 4 summarize the changes from 2017 to 2018, depending on whether there was an election in 2017; whether the election was contested, and whether a new magisterial district judge was elected. No new judges were elected in uncontested elections.<sup>11</sup>

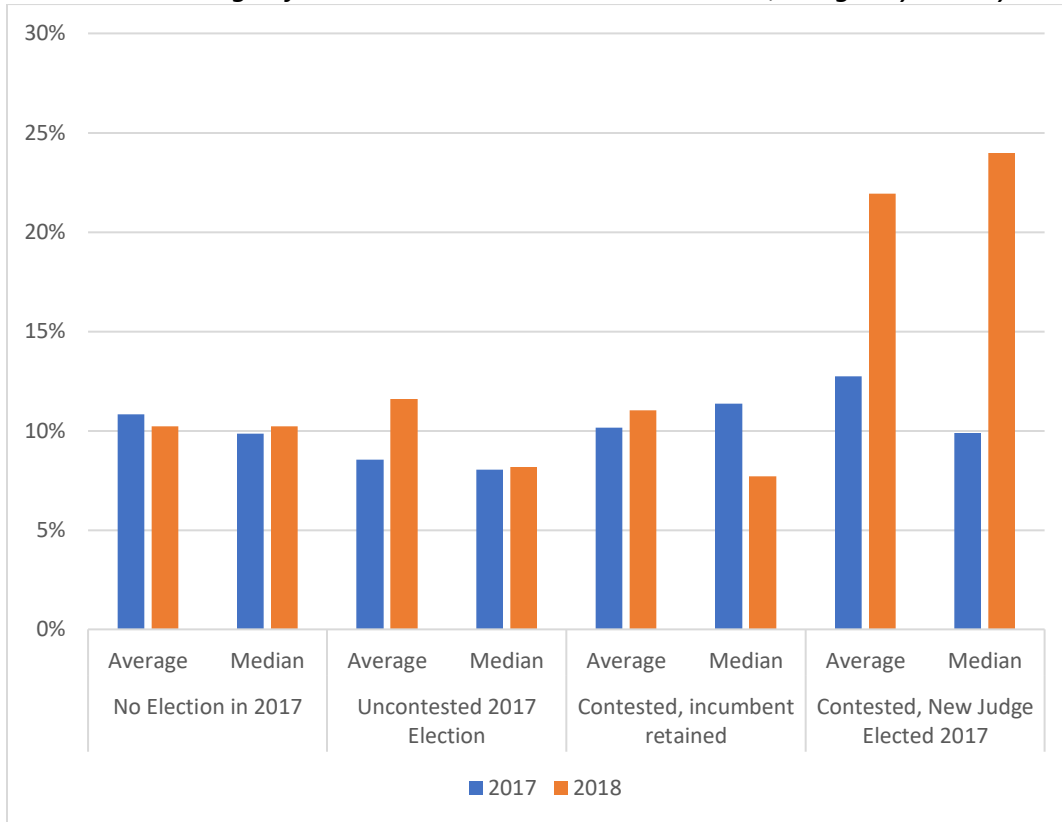
*Table 6. Changes in Case Outcomes after 2017 MDJ Elections*

		% of Cases settled or withdrawn		Districts with change in % of cases withdrawn or settled from 2017 to 2018	
		2017	2018	Number of districts with increase	Number of districts with decrease
No Election in 2017	Average	11%	10%		
	Median	10%	10%		
	Change			14	11
Uncontested 2017 Election	Average	9%	12%		
	Median	8%	8%		
	Change			5	5
Contested, Incumbent Retained	Average	10%	11%		
	Median	11%	8%		
	Change			3	2
Contested, New Judge Elected 2017	Average	13%	22%		
	Median	10%	24%		
	Change			5	1

<sup>11</sup> Source for election data:

[https://ballotpedia.org/Pennsylvania\\_local\\_trial\\_court\\_judicial\\_elections,\\_2017#Indiana\\_County](https://ballotpedia.org/Pennsylvania_local_trial_court_judicial_elections,_2017#Indiana_County)

Chart 4. Percentage of Eviction Cases Settled or Withdrawn, Allegheny County 2017-2018



The variation in case outcomes is not limited to different magisterial districts. Among landlords who file over 100 cases a year, there is also a large variation in outcomes, indicating differences in policy and practice between landlords. Some may choose to settle a case or withdraw it if they are unlikely to win, or as a faster way to collect the rent they are owed, or as a faster way to get a tenant to agree to move. Some may be more likely to bring cases without legitimate cause. Among the sixteen landlords who filed over 100 cases a year in 2018:

- The percentage of cases won by the landlord ranges from 58% to 97%
- The percentage of cases withdrawn or settled ranges from 1% to 36%
- The percentage of cases won by the tenant ranges from zero to 3.3%.

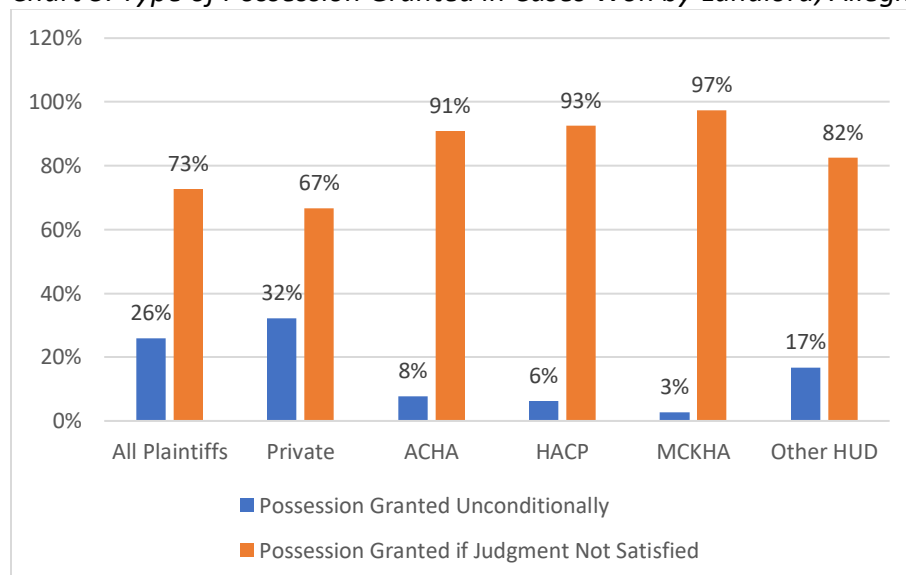
Table 7. Case outcomes for Landlords filing more than 100 cases, Allegheny County 2018

Landlord	Judgment for Landlord	Judgment for Tenant	Withdrawn or Settled
HACP	92%	1.2%	5%
ACHA	92%	0.5%	7%
Brandywine Agency	92%	0%	7%
McKeesport Housing Authority	97%	0%	3%
Leland Point	91%	0%	9%
AHRCO	97%	0%	1%
Rimco Properties Inc	76%	0%	22%
Lobos Management	77%	0%	21%
Meyers Management	92%	3%	4%
KPMS	61%	1%	26%
BCJ Management LP	75%	3%	22%
Neighborhood Partners	82%	1%	2%
Aegis Reality Partners	81%	0%	17%
Amore Management	58%	2%	36%
Matrix Property Management	90%	2%	4%
Arbors Management	76%	1%	22%

#### TYPES OF JUDGMENT FOR THE LANDLORD

In Pennsylvania, there are two types of judgment for the landlord in landlord-tenant cases. If the only reason for the judgment is unpaid overdue rent, the tenant has a legal right to pay the full amount of overdue rent plus the court costs and other fees awarded in the judgment, and remain in their rental unit. This is called the “Pay and Stay” option. The minimum amount of time allowed for this is 20 days, though landlords often allow a much longer period. Chart 5 shows the percentage of cases in which the reason for the judgment is overdue rent alone, and the tenant has a legal right to “Pay and Stay”.

Chart 5. Type of Possession Granted in Cases Won by Landlord, Allegheny County 2018



#### TIMELINE OF EVENTS FOLLOWING A JUDGMENT FOR THE LANDLORD

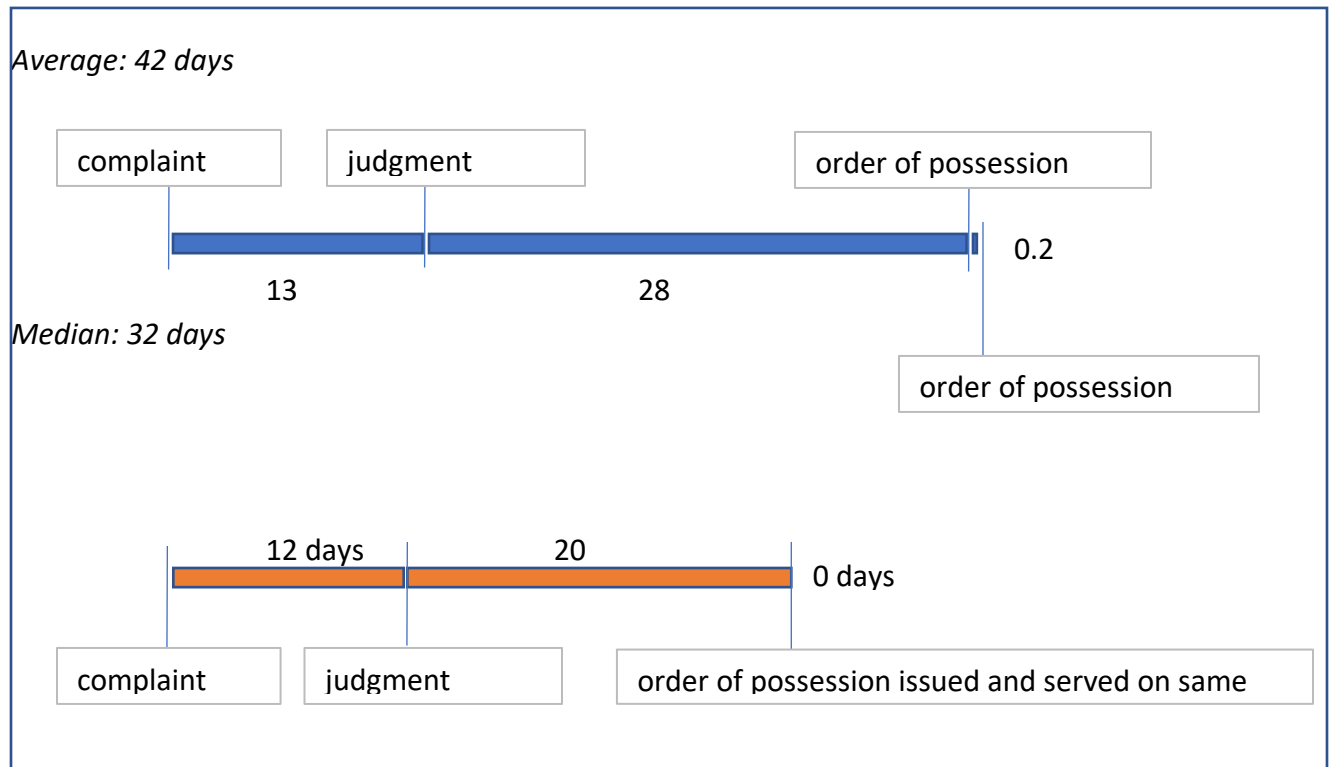
The intermediate step along the road to final enforcement of a judgment granting possession to a landlord is an Order of Possession. A landlord may request an Order of Possession after

winning a judgment if the tenant has not complied with and satisfied the judgment within 10 days.

Chart 6 shows the average and median amount of time between events in a case where a landlord is granted possession. The average amount of time landlords wait before requesting an order of possession is 28 days; the median number of days is 20. The actual eviction can take place 11 or more days after the order of possession is served, but the constable will not go out to physically evict a tenant based on an order of possession until the landlord requests it.

We do not have court data identifying the cases in which an actual eviction takes place.

*Chart 6. Time from the day a landlord-tenant complaint is filed to the serving of an order of possession, Allegheny County 2018 (for cases won by Landlords)*





#### IV. THE COST OF EVICTION

As soon as an eviction case is filed, the amount of money involved in the case increases. A fixed filing fee is initially paid by the landlord, but if the landlord wins that cost is usually made part of the judgment to be paid by the tenant. Costs to the parties involved in the case, filing fees, server fees, and in some cases attorney fees can add hundreds of dollars to the amount of overdue rent originally claimed. These are fixed costs, not a function of the amount of rent owed.

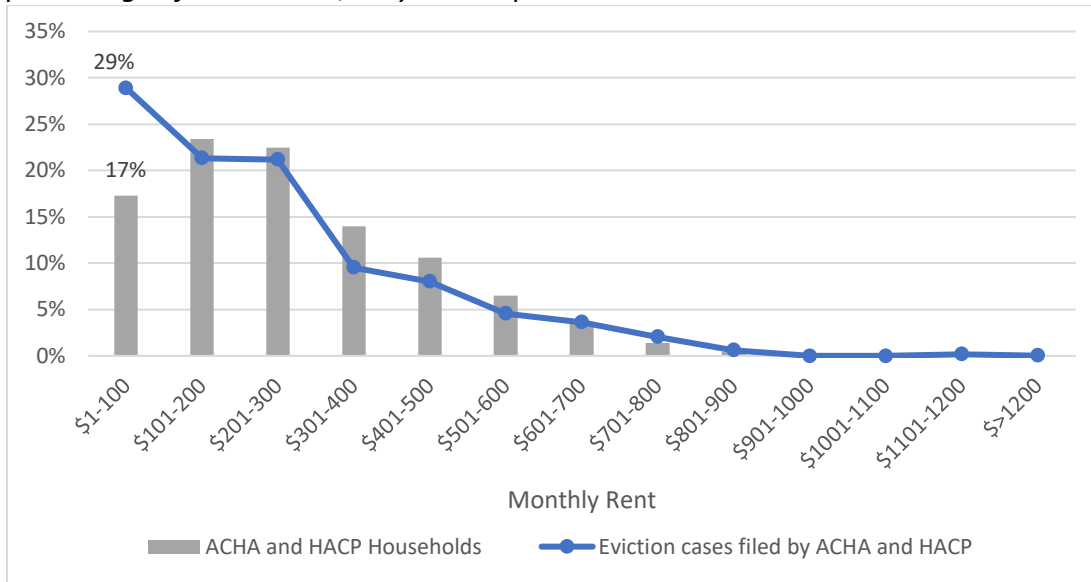
In this section, we look at the number and total cost of eviction cases filings as a function of the amount of rent paid by tenants.

Our data for the amount of monthly rent comes from the AOPC extract ending mid-May 2017. DHS receives regularly updated data from ACHA and HACP which includes information about household rent; we used that data to compare the number households paying rent in hundred dollar intervals to the number of households against whom ACHA and HACP filed for eviction.

Findings:

- The lowest income tenants—those paying \$100 or less per month in rent, are filed against at the highest rate.
- These tenants make up 17% of all ACHA and HACP households, but account for 29% of the eviction cases filed by ACHA and HACP. (Chart 8)
- For tenants paying \$101-\$200 and \$201-\$300 per month, the percentage of eviction cases filed against them is about the same as the percentage of households in each group.

Chart 8. ACHA and HACP households by monthly rent: percentage of eviction cases filed vs. percentage of households, May 2014-April 2017



In addition to being the object of a disproportionately high percentage of eviction cases, the lowest-income households end up paying the highest additional costs in eviction cases, as a percentage of the amount of overdue rent they owe.

- The average cost of an eviction case in Allegheny County is 12% over rental arrears.
- The average cost of an eviction case for a Housing Authority tenant paying up to \$100/month in rent is 73% over rental arrears.
- For tenants paying \$201- \$300/month in rent, the average cost of an eviction ranges from 18% to 32% over rental arrears, depending on the type of landlord

Table 8. Average judgement amounts for low-income tenants, May 2014-April 2017

**Tenants paying <=\$100/month rent: Average Costs**

Landlord Type	Total Judgment	Rental Arrears	Costs+fees	Total Judgment/Rental Arrears
Housing Authorities	\$ 359	\$ 208	\$ 138	173%
Other HUD owners/managers	\$ 1,021	\$ 837	\$ 145	122%
All others (Private)	\$ 712	\$ 509	\$ 153	140%

**Tenants paying \$201-\$300/month in rent: Average costs**

Landlord Type	Total judgment	Rental arrears	Costs+fees	Total Judgment/Rental Arrears
Housing Authorities	\$ 667	\$ 505	\$ 138	132%
Other HUD owners/managers	\$ 1,295	\$ 1,096	\$ 150	118%
All others (Private)	\$ 1,128	\$ 897	\$ 154	126%

## SOURCES AND METHODS

For landlord-tenant cases heard in Magisterial District Courts, the electronic records in MDJS include most but not all information about the case. The Allegheny County Department of Human Services (DHS) has a subset of that data, and for a 10-year period ending in May 2017, we also have an extract obtained from the Administrative Office of Pennsylvania Courts (AOPC) by Jonathon Pyle of Philadelphia Legal Assistance. The AOPC extract includes some additional fields of interest (monthly rent and amount of judgment for each judgment component). These fields exist in local MDJS data held by the courts, but not in the subset received by DHS. At the Court of Common Pleas level, the electronic record system that DHS has access to (Common Pleas Criminal Court Case Management System, or CPCMS) does not include any civil cases. There is a separate court records system with electronic records for civil cases, but it is used only for scheduling and the information in it is very basic. DHS does not have access to it. To check attorney names and amounts awarded for attorney fees in 2018 cases, public online records were used. These can be accessed at <https://ujportal.pacourts.us/DocketSheets/MDJ.aspx> .

What MDJS data at Allegheny County DHS includes:

- Data from 1994 to present
- All Magisterial District Court cases
  - Eviction cases are filed as “Landlord-Tenant” cases at the Magisterial District level.
  - Appeals go to the Court of Common Pleas (no data available for civil cases at that level).
- Case Details
  - Names of landlord and tenant
  - Amount of money claimed (but not for what reason, e.g., rental arrears or damages)
  - Disposition and other “case events”, such as whether an order of possession was granted

### Limits of MDJS Data

- Names not consistent
  - A single landlord or tenant may appear under multiple names—dozens in the case of housing authorities and other large landlords.
- Addresses and demographic data mostly unavailable
- Few successful matches with DHS clients
- No record of whether tenants were actually evicted and moved from the premises

### AOPC Data

- Time period covered in AOPC data extract: May 2008 through April 2017
- Fields in the AOPC data not contained in the MDJS data at DHS:
  - Judgment component amounts--how much is awarded to the winning party for for each of these reasons:
    - Rent in Arrears
    - Costs
    - Filing Fees
    - Rent Reserved and Due
    - Physical Damages to Property

- Unjust Detention
- Server Fees
- Attorney Fees
- Common Pleas Ordered Increase
- Interest
- Tenant’s monthly rent
- Name of the MDJ for each case
- Names and contact information for attorneys

### Public Data

Pennsylvania makes court records available online. Records are available in the form of docket sheets with summary information for each case.

- Docket sheets for MDJS cases can be accessed at <https://ujportal.pacourts.us/DocketSheets/MDJ.aspx>
- We used individual docket sheets to find case outcomes and attorney fees awarded for 2018 landlord-tenant cases involving legal counsel.
- Not available in public court records accessible through electronic data requests:
  - Tenant address (not subject to public access requests at all)
  - Indication of whether a constable was sent to enforce an eviction (not subject to public access requests for electronic records in bulk)

### Census Data

The American Community Survey (ACS) has extensive housing data, including the number of occupied and vacant units, and number of owner-occupied units, and the number of rental units by amount of rent. As our most recent data for the amount of monthly rent in landlord-tenant cases is from early 2017, we used 2016 ACS data for number of rental units in Allegheny County by the amount of rent.

- U.S. Census Bureau, 2016 American Community Survey 1-Year Estimates, Table DP04

### Methods for Grouping Landlords

One of the basic questions in our analysis is how many cases are filed by each landlord, whether the landlord is a housing authority, a real estate or management company, a non-profit, or an individual landlord. Answering this question is not straightforward, because it is not always easy to determine whether two different cases were filed by the same landlord. One landlord may use many different names or many versions of one name in different cases—as many as 75 or more distinct names or variations on names.

Our methods and sources for identifying which cases were filed by a single landlord include:

- a combination of automated and manual name-matching, verified by individual inspection of all names assigned to a single landlord;
- web searches to find which properties are owned or managed by individual real estate or management companies;
- HUD documents listing all owners and management companies for HUD-assisted properties in Allegheny County. HUD does not guarantee that its lists are correct or complete.

- Pennsylvania Housing Finance Agency and other sources of affordable housing listings to augment and correct HUD lists.

The resulting grouping of cases by landlord is only approximate. Over time, repeated reviews have improved accuracy for all years. For large management and real estate companies, the groupings are likely to be more accurate for recent years, as they depend in part on company websites that list properties currently owned or managed by the company.