

Eviction Cases in Allegheny County, 2012–2019

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TABLE OF CONTENTS

Acronyms	4
Introduction	4
Sources and Methods	6
The Eviction Process	7
Scale of the Eviction Landscape in Allegheny County	9
Allegheny County Rental Housing and Low-Income Tenants	11
Eviction Case Outcomes	15
Types of Judgment for the Plaintiff	16
The Cost of Eviction	18
Conclusion	21
APPENDIX: Sources and Methods	23

Figures

FIGURE 1A: Annual number of landlord–tenant cases filed, Allegheny County, 2012–2019	10
FIGURE 1B: Average amount claimed in landlord–tenant cases, Allegheny County, 2012–2019	10
FIGURE 1C: Rise in median Allegheny County rents and claim amounts (increase over 2012 baseline)	10
FIGURE 2: Occupied rental units and eviction case filings by monthly rent, Allegheny County, 2016	11
FIGURE 3: Percentage of eviction cases by landlord type, Allegheny County, 2019	13
FIGURE 4: Type of possession granted in cases won by plaintiff, Allegheny County, 2019	17
FIGURE 5: Time from the day a landlord–tenant complaint is filed to the serving of an order for possession, Allegheny County 2018 (for cases won by plaintiffs)	18
FIGURE 6: ACHA and HACP households by monthly rent: percentage of eviction cases filed vs. percentage of households, May 2014–April 2017	20

Tables

- TABLE 1: Landlord–tenant cases in Allegheny County, 2012–2019: number of cases filed and amount of non-zero money claims 9
- TABLE 2: Occupied rental units and eviction case filings by monthly rent, Allegheny County, 2016 11
- TABLE 3: Number and percentage of eviction cases filed by landlord type, Allegheny County, 2012–2019 13
- TABLE 4: Top filers of eviction cases in Allegheny County, 2019 14
- TABLE 5: Eviction case outcomes, Allegheny County 2012–2019 15
- TABLE 6: Case outcomes for landlords filing more than 100 cases, Allegheny County, 2019 16
- TABLE 7: Filing fees for landlord–tenant cases filed in Magisterial District Courts 18
- TABLE 8: Number and percentage of cases by filing fee tier, Allegheny County 2012–2019 19
- TABLE 9: Average judgment amounts for low-income tenants, May 2014–April 2017 21

ACRONYMS

ACHA: Allegheny County Housing Authority

DHS: (Allegheny County) Department of Human Services

HACP: Housing Authority of the City of Pittsburgh

HUD: U.S. Department of Housing and Urban Development

MDJS: Magisterial District Judge System

INTRODUCTION

Each year in the United States, more than two million people face eviction.¹ While landlords may begin the eviction process for a tenant's breach of lease or at the end of a lease, the majority of evictions are filed for a tenant's failure to pay rent, suggesting that for most renters, eviction proceedings are the result of economic hardship.² Landlords filing for eviction are not necessarily seeking to force the tenant out of housing. Instead, filing for eviction is a way to collect late rent, but it has lasting repercussions for renters beyond the financial consequences.³

In the short term, the upheaval of an eviction can lead to housing instability or homelessness. Longer-term consequences may include job loss, poor educational outcomes for children, and negative effects on physical health.⁴ The most vulnerable are disproportionately involved as tenants in eviction cases; research has shown that women living in poverty, especially women of color, and families with children have a high risk of eviction.⁵

Because the effects of eviction are wide-reaching and especially harmful to the most vulnerable residents, Allegheny County Department of Human Services (DHS) and The Pittsburgh Foundation wanted to learn more about evictions in the region. This report describes the available data about landlord-tenant cases in Allegheny County from 2012 to 2019 and the quantitative insights we have been able to extract from it.

Background

This report grew out of a series of meetings convened by The Pittsburgh Foundation to explore ways to prevent and mitigate the effects of eviction in Allegheny County. Stakeholders from many organizations, public agencies and advocacy groups have attended these meetings since early 2018. DHS contributed quantitative data and analysis to help participants understand the eviction landscape in the county. How many eviction cases are filed

1 <https://news.yale.edu/2019/08/14/study-offers-insight-effects-housing-eviction-peoples-lives>

2 <https://www.nytimes.com/2019/12/12/upshot/eviction-prevention-solutions-government.html>

3 Garboden, Philip and Rosen, Eva. Serial Filing: How Landlords Use the Threat of Eviction. *City & Community*. Vol. 18, Iss. 2, June 2019.

4 <https://childrenshealthwatch.org/the-hidden-health-crisis-of-eviction>

5 <https://evictionlab.org/why-eviction-matters/#who-is-at-risk>

each year, and for how much money? How many cases are filed against low-income tenants? How many cases do landlords win, and what happens after they win? How many cases are won by tenants? How much money does the eviction process cost tenants, beyond whatever rent they owed? Most importantly, how many tenants are actually evicted at the end of the process?

We discovered that, while we can answer many questions about the legal eviction process and its outcomes, we cannot answer the most important question. There is nothing in the publicly available record that indicates whether or not a tenant was actually evicted. In some cases, there are paper records or digital images of paper records filed by a constable indicating whether an eviction took place, but these are available only for individual inspection at a courthouse. They are not subject to public requests for electronic records in bulk.

Fortunately, even without knowing how many evictions take place each year in Allegheny County, we have been able to learn a great deal.

Key Findings

Numbers

- Thirteen thousand to 14,000 residential eviction cases are filed each year in Allegheny County.
- A disproportionate number of cases are filed against low-income tenants living in publicly subsidized housing. Among low-income tenants of properties owned by housing authorities, a disproportionate number of cases are filed against tenants with the very lowest incomes.
 - While about 12% of rental units in the County are in public housing or privately owned properties subsidized through Section 8 contracts, nearly 30% of eviction cases are filed against tenants living in those units. This does not include tenants with Section 8 vouchers living in private-market rental units.
 - While 17% of Housing Authority of the City of Pittsburgh (HACP) and Allegheny County Housing Authority (ACHA) households pay \$100 or less in monthly rent based on income, 29% of HACP and ACHA eviction cases are filed against those tenants.
- Fewer than 1% of tenants have attorneys in landlord–tenant cases. The number of cases in which landlords are represented by legal counsel is also small but has been rising steadily, from 3% in 2012 to 7% in 2019.

Outcomes

- Landlords win 85% of cases. Tenants win around 1.5% of cases. The remaining cases are withdrawn, settled or dismissed.
- Pay and Stay: In Pennsylvania, cases for overdue rent alone will not result in eviction as long as the tenant pays the amount owed (overdue rent plus court costs and fees).
 - Seventy-three percent of all landlord–tenant cases filed are Pay and Stay cases, as opposed to lease violations or the term of a lease ending. In other words, in 73% of cases, filing for eviction is a way to collect the rent.
 - For tenants in properties with publicly subsidized rental units, over 90% of eviction filings are Pay and Stay cases.

Monetary Claims

- While the number of cases filed has been fairly stable from year to year, the amount of money claimed increased 35% during the period of the study. In 2019, the average amount claimed was \$2,029; the median was \$1,645.
 - The increase in claim amounts closely tracks the increase in median rent paid by defendants in eviction cases.

SOURCES AND METHODS

Residential landlord–tenant cases involving amounts of up to \$12,000 are filed in local Magisterial District Courts in Pennsylvania. Our primary data source is the Magisterial District Judge System (MDJS), the statewide electronic database where Magisterial District Court case records are stored. We used data from two of Allegheny County’s three housing authorities (the Allegheny County Housing Authority and the Housing Authority of the City of Pittsburgh) for information on the amount of monthly rent paid by tenants; U.S. Census data for statistics on rental housing; and the affordable housing database of the U.S. Department of Housing and Urban Development (HUD) for information on publicly subsidized properties with units for low-income tenants. We also searched the websites of real estate companies to find out which properties were owned or managed by companies with large rental portfolios.

There are limitations on the data that keep us from answering some important questions.

- **Demographics.** No demographic data is collected by the courts in landlord–tenant cases, so we are unable to say anything about the gender, race or ethnicity of either tenants or landlords.
- **Matches with DHS clients.** Most reports published by DHS make use of the integrated Allegheny County Data Warehouse to analyze patterns of service use across different human service program areas and institutions such as schools, hospitals, courts, and jail. Without demographic data, we cannot match the defendants in landlord–tenant cases with DHS clients. As a result we cannot tell, for example, how many tenants in eviction cases later receive homeless services.
- **Low-income tenants.** As discussed below, we are able to identify most eviction cases involving properties that have contracts for public assistance subsidizing low-income tenants. We do not have enough information to identify low-income tenants who live in private-market housing (rental units operated by private landlords charging whatever rent the market will bear).
- As discussed below, the court data does not indicate whether or not a tenant is actually evicted. While we can track the number of eviction cases filed each year, we do not know how many evictions result from those filings.

A complete description of sources and methods may be found in the **Appendix**.

THE EVICTION PROCESS

This section gives a condensed description of the steps in the legal eviction process in Allegheny County, covering all parts of the process discussed in the report.⁶

Landlord–tenant cases in Pennsylvania are governed by state law. With the exception of Philadelphia, which has its own municipal court system, civil cases involving claims for up to \$12,000 are heard by magisterial district judges in local Magisterial District Courts.⁷ The rules governing civil cases at Magisterial District Court level are meant to be clear and usable for judges who may not be lawyers and for members of the public who are not trained in legal procedure and who for the most part are not represented by legal counsel.⁸

Steps in Landlord–tenant Cases Filed in Magisterial District Court

1. Complaint. The landlord files a complaint for “Recovery of Possession of Real Property,” i.e., for the tenant to be evicted and physical possession of the rental unit returned to the landlord. If the landlord files a claim for money alone, without asking for the tenant to be evicted, the case is treated as an ordinary civil case rather than as a landlord–tenant case.

Legally, there are three reasons allowed for a landlord–tenant complaint:

- Term of lease ended
- Breach of conditions of lease
- Unpaid overdue rent

Hearing. At the hearing, the parties state their case to the judge and present evidence. The evidence presented may be documents such as a lease, receipts for payment, copies of letters demanding payment of overdue rent, or documentation of needed repairs or damage to the rental unit or the tenant’s property. Either side may be represented by an attorney, but in most cases neither side has legal representation. Most landlord–tenant hearings are over within a few minutes.

2. Case Disposition. The following case dispositions, or final outcomes, are possible:

- a. *Case withdrawn.* At any point before the hearing, the landlord may withdraw the complaint without giving a reason. The complaint may be refiled at a later date.
- b. *Case settled.* Up to the point when the judge renders a judgment, the landlord and tenant may come to an agreement (settlement) and notify the judge. The case is recorded as settled and the terms of the settlement are legally enforceable.

6 A more detailed description of the legal eviction process can be found [here](#).

7 Cases involving over \$12,000 are filed in the Court of Common Pleas.

8 “In drafting these rules, the guiding policy was to provide a framework, insofar as the Pennsylvania constitutional system would permit, for a modern, workable small claims procedure, realizing that many magisterial district judges would not be lawyers and that members of the public using the system

would be largely unrepresented by legal counsel.” PA Code, Title 36 Minor Court Civil Rules, Ch. 300 Civil Action.

- c. *Dismissed without prejudice.* The judge may dismiss a case when the landlord does not appear at the hearing or is not prepared to present evidence. “Without prejudice” means that the landlord is free to refile the complaint at a later date.
- d. *Judgment for the defendant (tenant).*
- e. *Judgment for the plaintiff (landlord).*

An actual eviction can happen only if the judge finds for the landlord and grants the landlord possession of the property. When a judgment for the landlord is due solely to failure to pay rent, even a grant of possession does not necessarily lead to eviction. In those cases, Pennsylvania law gives the tenant the right to pay the full amount of the judgment and continue to live in the rental property. The full amount of the judgment includes overdue rent plus court fees and other costs. This is informally called the “Pay and Stay” option. In legal terms, the landlord has the right to evict only if the tenant fails to pay in full, settle or “otherwise comply with the judgment.”

3. Grant of Possession. When the landlord wins a case, the type of possession granted depends on the reason for the judgment and whether it is a Pay and Stay case.

- a. *If judgment is due solely to unpaid rent.* The tenant may choose to pay the overdue rent plus court fees (Pay and Stay option). The judge grants possession to the landlord only if the judgment is unsatisfied. The docket sheet reads “Grant possession if money judgment is not satisfied by the time of eviction.” If the tenant does not appeal or provide payment within 10 days, the landlord may proceed to the next step to enforce the judgment.
- b. *If judgment is not due solely to unpaid rent.* Legal possession is granted to the landlord outright and the landlord has the right to evict the tenant after 10 days unless the tenant appeals to the Court of Common Pleas. The enforcement action can take place another 11 days after the time allowed for appeal is over.

4. Enforcement of Judgments for the Landlord.

- a. *Order for possession.* If a tenant does not satisfy a judgment, move out or appeal within 10 days, the landlord may request an order for possession. The order for possession is granted immediately and served on the tenant by a constable. It is usually served the same day it is issued.
- b. *Execution of order for possession.* If the tenant still hasn’t complied with the judgment 11 days after the order for possession has been served, the landlord may call the constable at any time within the next 60 days and request execution of the order. The constable will then go and physically evict the tenant, remove the tenant’s property, and deliver possession to the landlord.
- c. *Pay and Stay cases.* In cases where possession is granted only if the money judgment remains unsatisfied, Pennsylvania law explicitly gives the tenant the right to pay the full amount of the judgment up until the moment of physical eviction. Constables are required to accept payment from the tenant and report back to the court that the judgment has been satisfied. In that case, the tenant will not be evicted.
- d. *Levy of goods.* If money is still owed at the time of eviction, constables are empowered to seize the tenant’s property (with some limitations) for sale at auction, with the proceeds going to pay the landlord. We do not discuss property levies in this report.

SCALE OF THE EVICTION LANDSCAPE IN ALLEGHENY COUNTY

In the eight-year period from 2012 through 2019, Magisterial District Courts in Allegheny County heard an average of 13,696 landlord–tenant cases per year (Table 1, Figure 1a).⁹ There is some fluctuation in the total number of cases from year to year (up to 5% more or fewer), but no clear trend upward or downward. On the other hand, the average dollar amount claimed per case rose 35% during the same period, and the median amount rose 37%, closely tracking the increase in median monthly rent of defendants in landlord–tenant cases (Table 1, Figure 1b, Figure 1c). The claim amount is what the landlord claims to be owed in unpaid rent, damages or other costs. It does not include court costs or fees. Landlords made monetary claims in 94%–96% of cases filed every year from 2012 through 2019.

In the year 2019:

- 13,063 landlord–tenant cases were filed
- \$25 million was claimed by landlords
- \$2,029 was claimed per case on average
- \$1,645 was the median amount claimed

TABLE 1: Landlord–tenant cases in Allegheny County, 2012–2019: number of cases filed and amount of non-zero money claims

YEAR	NUMBER OF CASES	AVERAGE CLAIM AMOUNT	MEDIAN CLAIM AMOUNT
2012	13,903	\$1,502	\$1,200
2013	14,100	\$1,564	\$1,295
2014	13,549	\$1,664	\$1,396
2015	13,235	\$1,728	\$1,440
2016	13,463	\$1,776	\$1,496
2017	14,182	\$1,779	\$1,493
2018	13,439	\$1,880	\$1,550
2019	13,063	\$2,029	\$1,645

⁹ There were 189,449 renter households in the county in 2018, according to the 2018 American Community Survey 1-Year Estimates, Table DP04 (Selected Housing Characteristics).

FIGURE 1A: Annual number of landlord–tenant cases filed, Allegheny County, 2012–2019

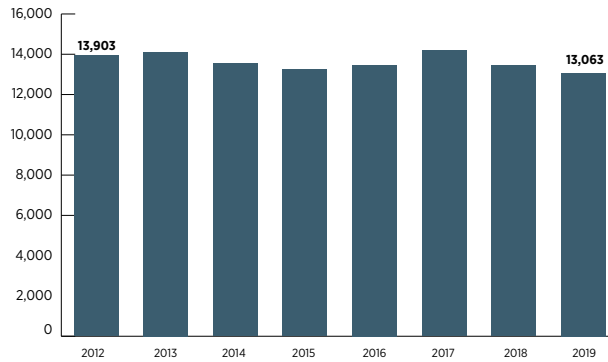


FIGURE 1B: Average amount claimed in landlord–tenant cases, Allegheny County, 2012–2019

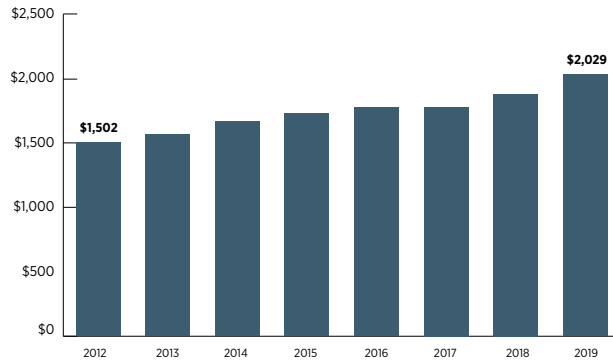
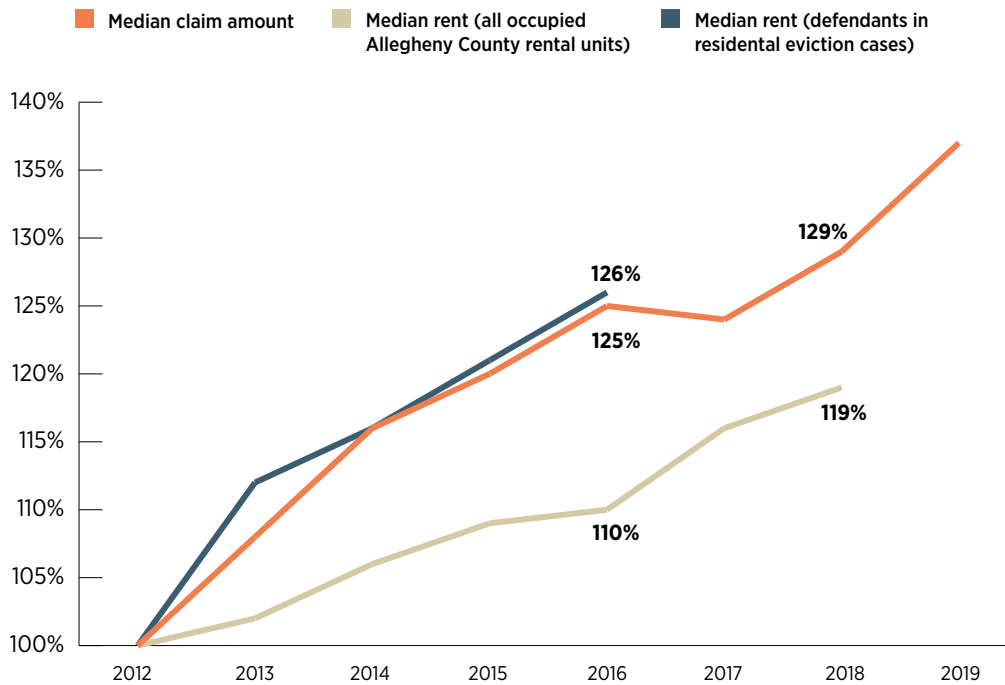


FIGURE 1C: Rise in median Allegheny County rents and claim amounts (increase over 2012 baseline)



Note: The most recent year of American Community Survey (ACS) data on countywide rents is 2018; the most recent year for which we have monthly rents for defendants in landlord–tenant cases is 2016. Both the median claim amount and the median monthly rent for eviction defendants are for cases with non-zero claim amounts.

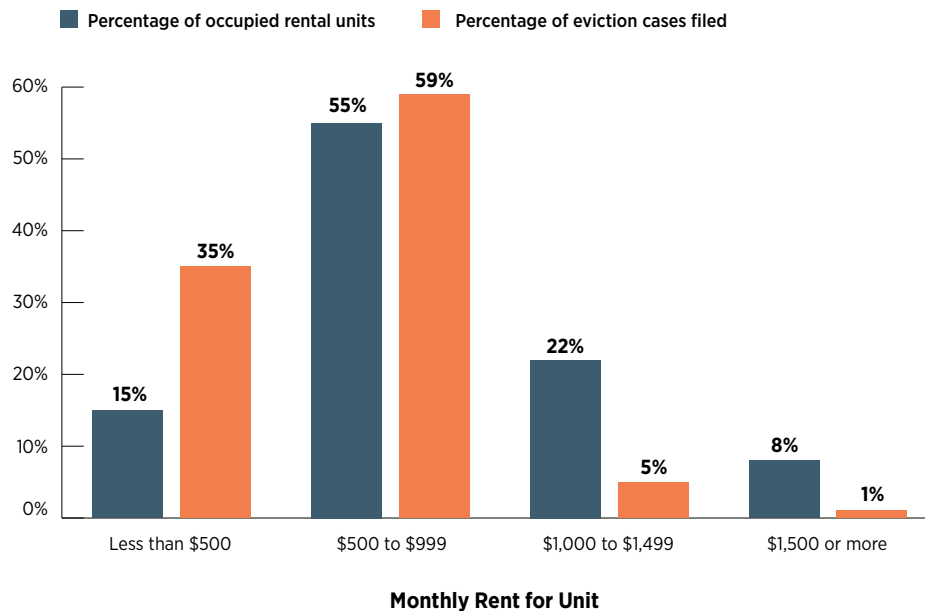
ALLEGHENY COUNTY RENTAL HOUSING AND LOW-INCOME TENANTS

One in eight of Allegheny County’s renter households live in low-income public housing (owned by housing authorities) or in other properties receiving subsidies for units affordable to low-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, Figure 2).¹⁰

TABLE 2: Occupied rental units and eviction case filings by monthly rent, Allegheny County, 2016

MONTHLY RENT	NUMBER OF OCCUPIED RENTAL UNITS ¹¹	PERCENTAGE OF OCCUPIED RENTAL UNITS	NUMBER OF EVICTION CASES FILED	PERCENTAGE OF EVICTION CASES FILED
Less than \$500	27,051	15%	4,197	35%
\$500 to \$999	99,341	55%	7,087	59%
\$1,000 to \$1,499	40,166	22%	568	5%
\$1,500 or more	15,444	8%	154	1%
Total	182,002	100%	12,006	100%

FIGURE 2: Occupied rental units and eviction case filings by monthly rent, Allegheny County, 2016



10 The year 2016 is the most recent year for which we have data on monthly rent of tenants in eviction cases. See Appendix for full description of data sources.

11 Source for occupied rental unit data: U.S. Census Bureau, 2016 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, Sept. 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.

Types of Landlords and Tenants in Eviction Cases

One of the major questions we would like to be able to answer about eviction cases is the number of cases filed against low-income tenants. We do not have enough information to answer that question completely, but we can identify most of the landlords who own or manage properties that receive public subsidies for low-income tenants. The subsidized properties tracked in this report all receive assistance directly or indirectly from the U.S. Department of Housing and Urban Development (HUD).

- A third of the rental units in these properties (7,811) are owned by the county’s three housing authorities — the Allegheny County Housing Authority (ACHA), the Housing Authority of the City of Pittsburgh (HACP), and the McKeesport Housing Authority.¹²
- Private companies and nonprofit organizations own an additional 13,874 units in multifamily, HUD-assisted properties.¹³

In our analysis, we separate out the eviction cases filed by housing authorities and owners or managers of other HUD-assisted multifamily properties.¹⁴

We are unable to separate out two other categories of assisted housing: units built through the Low-Income Housing Tax Credit (LIHTC) program,¹⁵ and private-market landlords whose tenants receive rental assistance through tenant-based Section 8 vouchers. This is a significant lacuna in our analysis.

Just under three out of 10 eviction filings in Allegheny County are filed by housing authorities and companies managing other HUD-assisted properties (**Table 3, Figure 3**). (See **Appendix** for notes about identifying and grouping landlords individually and by type.) The large number of filings by housing authorities is partly due to HUD policy. Annual HUD assessments penalize public housing authorities with too high a percentage of overdue or uncollected rent and other tenant charges.¹⁶ Housing authorities are under pressure to collect overdue rent as quickly as possible. One strategy to collect overdue rent is to file for eviction. In over 90% of the cases filed by housing authorities, the only reason given is overdue rent. In those cases, as noted above, the tenant must pay court costs in addition to rental arrears in order to avoid eviction and often ends up owing substantially more money.

12 HUD Housing Authority Profiles, accessed May 2020 (<https://pic.hud.gov/pic/haprofiles/haprofilelist.asp>).

13 HUD Multifamily Assistance & Section 8 Database (https://www.hud.gov/program_offices/housing/mfh/exp/mfhdiscl). HUD does not guarantee completeness or accuracy of the database.¹⁴ These properties include project-based Section 8 units (where assistance is tied to particular units); affordable housing

for elderly households and persons with disabilities; and a small number of other HUD-subsidized units.

15 The LIHTC program provides tax incentives to encourage developers to build affordable housing and is the largest source of new affordable housing in the U.S. Unfortunately, our data does not identify which specific units in LIHTC properties are reserved for low-income tenants. According to the National Housing Preservation Database,

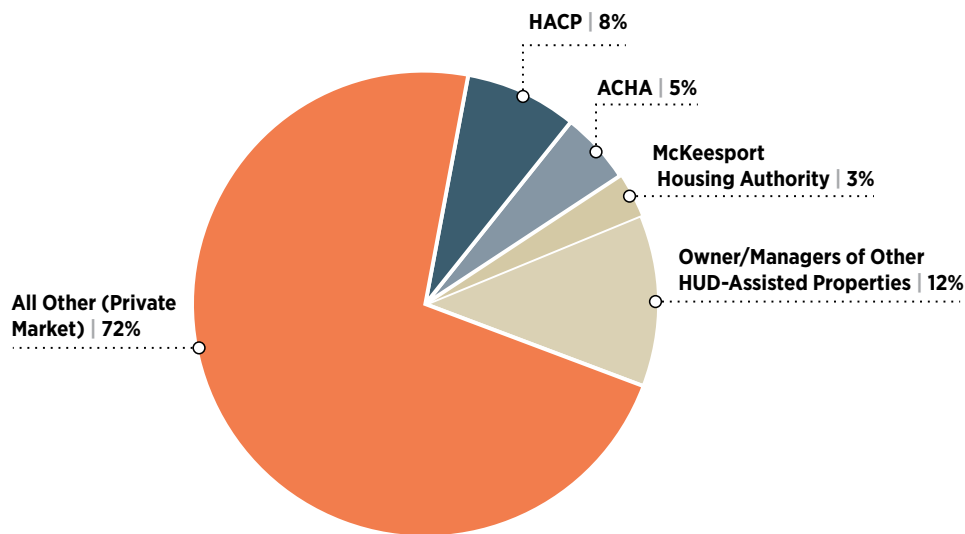
there are 4,774 units in LIHTC properties in Allegheny County (<https://nhpd.nationalpreservationdatabase.org/data>, accessed June 6, 2020).

16 Federal Register, Vol. 76 No. 36, Feb. 23, 2011, Part III, Department of Housing and Urban Development, 24CFR Parts 901, 902, and 907, Public Housing Evaluation and Oversight: Changes to the Public Housing Assessment System (PHAS) and Determining and Remedying Substantial Default; Interim Rule.

TABLE 3: Number and percentage of eviction cases filed by landlord type, Allegheny County, 2012–2019

LANDLORD TYPE	2012	2013	2014	2015	2016	2017	2018	2019
Housing authorities	2,167	2,252	2,187	2,154	2,195	2,497	2,149	1,994
Landlords of HUD-assisted properties	1,430	1,441	1,462	1,570	1,559	1,665	1,799	1,572
Private market	10,306	10,407	9,900	9,511	9,709	10,020	9,491	9,497
Total	13,903	14,100	13,549	13,235	13,463	14,182	13,439	13,063
Housing authorities	16%	16%	16%	16%	16%	18%	16%	15%
Landlords of HUD-assisted properties	10%	10%	11%	12%	12%	12%	13%	12%
Private market	74%	74%	73%	72%	72%	71%	71%	73%

FIGURE 3: Percentage of eviction cases by landlord type, Allegheny County, 2019



Landlords Who File the Most Cases

The 15 landlords who filed more than 100 cases in 2019 include all three housing authorities, three private companies who manage HUD-assisted rental properties, and nine private companies operating market-rate apartments. These 15 plaintiffs accounted for 31% of all cases filed in 2019 (**Table 4**).

TABLE 4: Top filers of eviction cases in Allegheny County, 2019

PLAINTIFF	CASES FILED	TYPE
HACP	985	Housing Authority
ACHA	643	Housing Authority
Brandywine Agency	444	Assisted Housing Mgt. Co.
McKeesport Housing Authority	366	Housing Authority
Leland Point	266	Private
AHRCO	234	Assisted Housing Mgt. Co.
Lobos Management	207	Private
Amore Management	142	Private
Rimco Properties Inc	126	Private
Arbors Management	115	Assisted Housing Mgt. Co.
Matrix Property Management	112	Private
Meyers Management	109	Private
Whitehall Place, LP	107	Private
A R Building Co.	103	Private
Aegis Realty Partners	103	Private

Note: See Data Sources and Methods section for notes about identifying plaintiffs.

At the other end of the scale, around 2,000 landlords — more than 60% of the roughly 3,200 distinct plaintiffs — filed only one case in 2019. According to our estimates¹⁷:

- 15 landlords (0.5%) filed 31% of cases (>100 cases each)
- ~280 landlords (9%) filed 37% of cases (6-99 cases each)
- ~2900 landlords (91%) filed 32% of cases (1-5 cases each)

¹⁷ Our estimates depend on a name-matching process to determine which set of cases was filed by any one landlord. This process is imperfect. See **Appendix** for a complete description.

EVICTION CASE OUTCOMES

In Allegheny County as a whole, the outcomes of landlord–tenant cases have changed very little from year to year, with the exception of a slight decrease in the percentage of cases won by landlords in 2018 and 2019 compared with the average of the previous six years (**Table 5**). In general, outcomes from year to year are very close to the eight-year average:

- Landlords win about 85% of landlord–tenant cases.
- Tenants win about 1.5% of cases.
- The remaining 13.5% of cases are withdrawn, settled or dismissed.

Landlords appeal more than twice as often as tenants when they lose a case in Magisterial District Court. Once a case is appealed, it goes to the Court of Common Pleas where — unlike Magisterial District Courts — legal procedures are not navigable by ordinary members of the public without legal counsel. In 2019:

- Landlords appealed 18% of the cases they lost.
- Tenants appealed 8% of the cases they lost.

We do not have data on the outcomes of landlord–tenant appeals.

TABLE 5: Eviction case outcomes, Allegheny County 2012–2019

CASE OUTCOME	2012	2013	2014	2015	2016	2017	2018	2019
Judgment for defendant	211	177	188	196	206	212	182	210
Judgment for plaintiff	11,987	12,178	11,664	11,360	11,526	12,227	11,341	10,778
Case withdrawn	481	532	527	498	638	664	780	785
Settled	673	675	630	634	561	505	577	550
Dismissed without prejudice	519	518	491	503	495	521	542	606
Judgment for defendant	1.5%	1.3%	1.4%	1.5%	1.5%	1.5%	1.4%	1.6%
Judgment for plaintiff	86.2%	86.4%	86.1%	85.8%	85.6%	86.2%	84.4%	82.5%
Case withdrawn	3.5%	3.8%	3.9%	3.8%	4.7%	4.7%	5.8%	6.0%
Settled	4.8%	4.8%	4.6%	4.8%	4.2%	3.6%	4.3%	4.2%
Dismissed without prejudice	3.7%	3.7%	3.6%	3.8%	3.7%	3.7%	4.0%	4.6%

Variation in Case Outcomes

The uniformity of case outcomes for the county as a whole from year to year does not hold when we compare different landlords, different Magisterial Districts, or even different judges in the same district. In some cases, the differences may be explained by different types of housing or tenant populations. On the other hand, for those interested in discovering ways to prevent eviction and mitigate its effects, it is worth exploring the possibility that some of the variation in outcomes is due to differences in policy and practice by individual judges, public agencies and landlords. In this analysis we do not address causes, but a few of the more striking variations in outcome are listed below.

- Across Magisterial Districts, the percentage of cases withdrawn or settled ranges from less than 1% to 36%.

Among plaintiffs who filed more than 100 cases in 2019:

- The percentage of cases won by the plaintiff ranges from 50% to 96%.
- The percentage of cases withdrawn or settled ranges from 1% to 41%.
- The percentage of cases dismissed without prejudice ranges from zero to 9%.
- The percentage of cases won by the defendant ranges from zero to 4%.

When cases are withdrawn, settled or dismissed, they remain a part of the court record. Even though no judgment was ever entered, the tenant appears in the public record as a defendant in an eviction case.

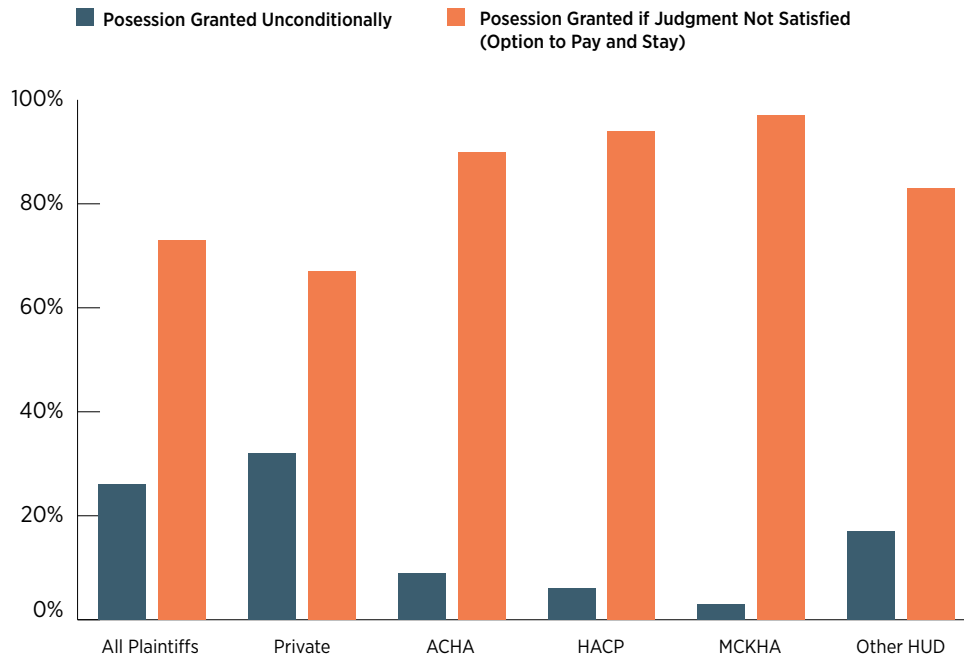
TABLE 6: Case outcomes for landlords filing more than 100 cases, Allegheny County, 2019

PLAINTIFF	JUDGMENT FOR PLAINTIFF	JUDGMENT FOR DEFENDANT	WITHDRAWN OR SETTLED	DISMISSED WITHOUT PREJUDICE
HACP	91.3%	1.4%	5.5%	1.9%
ACHA	90.3%	0.6%	6.7%	2.2%
Brandywine Agency	91.6%	0.5%	8.4%	0.2%
McKeesport Housing Authority	95.9%	0.0%	4.1%	0.0%
Leland Point	87.2%	0.0%	12.8%	0.0%
AHRCO	92.2%	0.0%	0.9%	6.5%
Lobos Management	73.3%	0.5%	25.2%	1.0%
Amore Management	49.6%	2.2%	40.9%	7.3%
Rimco Properties Inc	77.6%	0.0%	20.0%	2.4%
Arbors Management	73.7%	4.4%	14.0%	7.9%
Matrix Property Management	89.3%	0.0%	4.5%	6.3%
Meyers Management	93.5%	2.8%	2.8%	0.9%
Whitehall Place, LP	95.3%	0.0%	5.7%	0.0%
A R Building Co.	66.0%	3.9%	29.1%	1.0%
Aegis Reality Partners	64.0%	1.0%	26.0%	9.0%

TYPES OF JUDGMENT FOR THE PLAINTIFF

As described above, there are two types of judgment for the plaintiff in landlord–tenant cases in Pennsylvania. If the only reason for the judgment is unpaid overdue rent, the tenant has a legal right to pay the rental arrears plus court costs and other fees awarded in the judgment and remain in their rental unit — the “Pay and Stay” option. The minimum amount of time allowed for this is 20 days, though landlords often allow a much longer period. **Figure 4** shows the percentage of cases in 2019 in which the reason for the judgment is overdue rent alone, and the tenant has a legal right to Pay and Stay.

FIGURE 4: Type of possession granted in cases won by plaintiff, Allegheny County, 2019



Timeline of Events Following a Judgment for the Plaintiff

The intermediate step along the road to final enforcement of a judgment granting possession to a landlord is an order for possession. A landlord may request an order for possession after winning a judgment if the tenant has not complied with or satisfied the judgment within 10 days.

Figure 5 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 for possession is 28 days; the median number of days is 20. The actual eviction can take place 11 or more days after the order for possession is served, but the constable will not go out to physically evict a tenant based on an order for possession until the landlord requests it. We do not have access to court data identifying the cases in which physical eviction by a constable takes place.¹⁸

18 Constable reports are stored in the court data system as digital images of paper records, which under Pennsylvania law are not subject to bulk requests for electronic records. There is no field in the MDJS electronic database indicating whether a tenant was actually evicted following a judgment for the landlord.

FIGURE 5: Time from the day a landlord–tenant complaint is filed to the serving of an order for possession, Allegheny County 2018 (for cases won by plaintiffs)

AVERAGE: 42 DAYS



MEDIAN: 32 DAYS



THE COST OF EVICTION

Filing Fees

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 defendant. 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 mostly fixed costs, though there are three tiers of filing fees depending on the amount of money claimed by the landlord. **Table 7** shows the filing fees for 2019 and 2020.¹⁹ The thresholds for claim amounts determining which tier a case falls into have not changed since before 2012. As average and median claim amounts have increased substantially, the result is that more cases now fall into the higher two tiers (**Table 8**) and filing fees are higher on average.

TABLE 7: Filing fees for landlord–tenant cases filed in Magisterial District Courts

CLAIM AMOUNT	FILING FEES	
	2019	2020
0–\$2000	\$80.50	\$82.00
\$2000.01–\$4000	\$98.50	\$100.50
\$4000.01–\$12,000	\$134.50	\$137.00

¹⁹ AOPC Magisterial District Judge Cost Table, Effective January 1, 2020. The amount charged for filing fees is increased each year based on the increase in the consumer price index in Pennsylvania.

TABLE 8: Number and percentage of cases by filing fee tier, Allegheny County 2012–2019

FILING YEAR	\$0–\$2000	\$2000.01–\$4000	\$4000.01–\$12,000	\$0–\$2000	\$2000.01–\$4000	\$4000.01–\$12,000
2012	11,304	2,036	564	81%	15%	4%
2013	11,308	2,205	587	80%	16%	4%
2014	10,433	2,490	626	77%	18%	5%
2015	9,961	2,564	710	75%	19%	5%
2016	9,928	2,795	740	74%	21%	5%
2017	10,337	3,053	793	73%	22%	6%
2018	9,414	3,140	885	70%	23%	7%
2019	8,653	3,407	1,003	66%	26%	8%

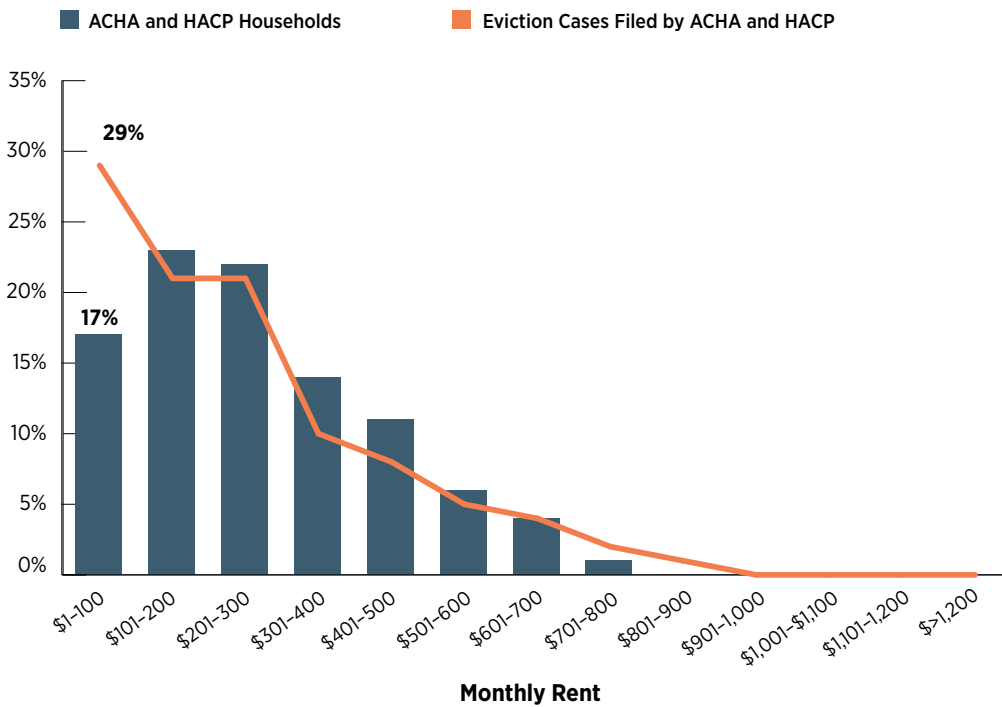
Costs for Tenants in Low-Income Housing

For the City of Pittsburgh and Allegheny County housing authorities, we are able to compare the number of eviction filings with the number of households by monthly rent. In low-income public housing owned by the housing authorities, the monthly rent is determined by household income, so this allows us to look at the rate of eviction filings in relation to income. Strikingly, the tenants with the very lowest income, paying \$100 or less in monthly rent, are filed against the most. The time period for this comparison is limited to the three years from May 2014 through April 2017, as that is the most recent period for which we have data on monthly income of defendants in landlord-tenant cases.

Findings:

- The tenants who have the lowest income — 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 (Figure 6).
- 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.

FIGURE 6: 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 pay 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 tenant paying up to \$100/month in rent ranges from 22% to 73% over rental arrears, depending on the type of landlord.
- 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 9: Average judgment amounts for low-income tenants, May 2014 – April 2017

TENANTS PAYING \$0-\$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	\$54	126%

CONCLUSION

As this report was being completed, emergency orders issued during the coronavirus pandemic closed courts across Pennsylvania. Eviction proceedings were suspended in Allegheny County from mid-March through June 1, 2020, and a statewide moratorium on new eviction filings due to non-payment of rent was in effect until July 11, 2020. A federal moratorium on evictions for non-payment of rent from many types of federally assisted properties was in effect until July 25, 2020. Many renters at all income levels have lost jobs and income, and it is unknown what will happen in the months after the courts reopen for eviction proceedings.

Meanwhile, policy in Allegheny County both inside and outside the court system has been changing. In 2019, the Allegheny County Court of Common Pleas assigned a dedicated judge for Housing Court and instituted a Housing Court Help Desk for tenants and landlords who are uncertain how to proceed once they have decided to appeal. Pre-hearing mediation is now available if both landlord and tenant agree.

Outside the courts, the City of Pittsburgh is about to launch a pilot mediation program, with support from The Pittsburgh Foundation and others, for landlords and tenants who want to find a way to settle their issues and arrive at an agreement about payment without getting to the point of a legal eviction filing. DHS expects to use emergency pandemic funds to expand existing eviction prevention programs that pay rental arrears for low-income tenants threatened with eviction.

In future work, we will report on shifts in the Allegheny County eviction landscape both in the aftermath of the pandemic and following the more orderly changes instituted by local government and the courts. In addition, we hope to make further use of the data available to us to shed light on policy questions related to evictions, the legal process, and the long-term effects of eviction cases on tenants, even in cases where tenants were never actually evicted.

ANALYSIS

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APPENDIX**APPENDIX: SOURCES AND METHODS**

Our primary source for eviction case data is the Magisterial District Judge System (MDJS), standardized software for keeping records of cases filed in Magisterial District Courts across Pennsylvania.

For landlord–tenant cases heard in Magisterial District Courts, the electronic records in MDJS include most but not all information about the case. Some information is stored as digital images of paper records, and not all of the data in paper records is copied into MDJS.

The Allegheny County Department of Human Services (DHS) has a subset of MDJS 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 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.

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 plaintiff and defendant
 - 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 for possession was granted

Limits of MDJS Data

- Plaintiff and defendant names not consistent
 - A single landlord or tenant may appear under multiple names or variations on 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

APPENDIX**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 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

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 Magisterial District Court cases can be accessed at <https://ujportal.pacourts.us/DocketSheets/MDJ.aspx>

Census Data

The American Community Survey (ACS) has extensive housing data, including the number of occupied and vacant units, the number of owner-occupied units, and the number of rental units by amount of rent. This report uses both 2016 and 2018 ACS data.

- U.S. Census Bureau, 2016 American Community Survey 1-Year Estimates, Table DP04
- U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates, Table DP04

Methods for Grouping Plaintiffs

One of the basic questions in our analysis is how many cases are filed by each plaintiff, whether the plaintiff is a housing authority, a real estate or management company, a nonprofit, 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 plaintiff. One plaintiff 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.

APPENDIX

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

- a combination of automated and manual name-matching using case captions (e.g., “HACP vs. so-and-so”), verified by individual inspection of all names assigned to a single plaintiff
- web searches to find which properties are owned or managed by individual real estate or management companies (some case captions mention the name of the property rather than the management company or landlord)
- HUD documents listing all owners and management companies of 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 plaintiff 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.