

Evictions Unlimited



SELF-HELP EVICTION/ REPOSSESSION IN PENNSYLVANIA

Q: What is a self-help eviction?

A: Self-help eviction involves any affirmative actions by a landlord to retake possession from a tenant without legal process. Examples of self-help include:

1. Changing the locks to the leased premises;
2. Entering the leased premises and removing the tenants belongings;
or
3. Terminating utilities and/or other services;

The Landlord and Tenant Act does not recognize these method as a proper way to recover possession of leased residential property. Furthermore, public policy considerations render self-help remedies **ILLEGAL**.

The courts in the 1970's effectively laid to rest the use of self-help evictions for non-payment of rent "because self-help involves the taking of property without affording a tenant notice and an opportunity to present defenses or to otherwise be heard, it involves an arguable violation of due process." *Wofford v. Vovreck, 22 D. & C., 3rd 444 citing Fuentes v. Shelvin, 407 U.S. 67, 92 S. Ct. 1983 (1972).*

Q: Can a landlord utilize self-help measures when a tenant is in default?

A: It depends. If a tenant defaults and abandons the leased premises, the landlord can use self-help measures to recover possession. Keep in mind, however, that the landlord bears the burden of proving abandonment. The landlord should make efforts to contact the tenant prior to the repossession in order to give the tenant notice that repossession is imminent.