

Eviction Moratorium Ends – Rental Assistance Continues

Articles, News November 2, 2021

Kenneth G. Scholtz, Esq., kscholtz@tuckelaw.com, 412-594-3903

Effective November 1, 2021 the Emergency Order that extended the CDC Eviction Moratorium in Allegheny County expired. The Emergency Order was in place since July, and impacted only residential landlord tenant actions in which landlords were seeking evictions based upon nonpayment of rent and/or expiration of lease term. Allegheny County was one of only three counties statewide that extended the protection against eviction beyond, and despite, the US Supreme Court ruling in *Alabama Assn. of Realtors v. Dept. of Health and Human Services*, where the Court held that the CDC had exceeded its Constitutional authority by instituting the eviction moratorium back in September, 2020. Link to the Aug. 26, 2021 Opinion: https://www.supremecourt.gov/opinions/20pdf/21a23_ap6c.pdf. The County's Emergency Order expired October 31, 2021; there is no indication that another similar Order will be issued offering additional protection for tenants.

Even with the end of the eviction moratorium, the availability of rent relief for tenants and landlords remains intact through a well-funded and organized program. In September, the County added \$32.5 million in direct rent relief to a fund that already had over \$50 million earmarked for distribution. The state has received over \$560 million in federal funding to distribute among counties. Tenants who qualify – and landlords whose tenants qualify – are encouraged to apply through the five-step “ERAP” program, that requires a simple application form, verification of income, and verification of amounts due in unpaid rent. The application process can be initiated by phone, online, or by stopping into one of three local offices where County representatives can assist with the application process. Link to County ERAP info: <https://covidrentrelief.alleghenycounty.us/faqs/>

Some local leaders have publicly called for another extension of the eviction moratorium – beyond October 31, 2021 – but given the Supreme Court ruling, combined with the relatively low current County COVID infection/hospitalization rate, it is more likely that ERAP “intervention” and assistance will be offered to tenants facing eviction, rather than blanket protection against eviction filings and hearings.

If you have any questions regarding the County eviction process, or landlord tenant matters generally, please contact kscholtz@tuckerlaw.com. For more information on Ken, view his bio at: <https://www.tuckerlaw.com/people/kenneth-g-scholtz/>