

Garnishing Tenant's Wages for Delinquent Rent - Residential Dwelling

Effective January 21, 2006, the Pennsylvania Supreme Court has put in place rules enabling a residential landlord to attach a tenant's wages in order to satisfy judgments for delinquent rent.

In order to satisfy due process requirements for garnishing a residential tenant's wages, either the original complaint must have been served by personal service, or the tenant must have appeared or filed papers in defense of the matter. After resolution of the complaint in favor of the landlord, the judgment for rent against the tenant must then be entered in the appropriate County Court of Common Pleas (a judgment and order from a Magistrate in District Court can be entered in the Court of Common Pleas after expiration of the 30 day appeal period). The landlord can then file a Praecipe with the Prothonotary in the County where the judgment is recorded, using a form proscribed by the Supreme Court. The form proscribed by the court can be found at <http://www.courts.state.pa.us/Index/suptcmtes/civilrulescmte/dockcivil.asp#461>. The revised rules and form requirements are also attached. The provisions of the Landlord and Tenant Act requiring a statement of disposition of the security deposit will still apply, and any security deposit retained by landlord must be offset against the judgment amount.

After the landlord has filed the form requesting the attachment of a tenant's wages, the Prothonotary will issue for service on the defendant a notice of intent to attach wages. The notice will also reference the Federal Department of Health and Human Services income guidelines, which limit the amount of wages that can be attached by a judgment creditor (by code not more than the lesser of 10% of net wages, or the amount that would put tenant below the poverty level). If the tenant's wages are below poverty levels, then within 30 days after service of the notice, the Tenant may file an exemption claim to object to the wage attachment.

The wage attachment is administered and collected by the prothonotary. In aid of efforts to satisfy judgments through garnishing wages, residential landlord's should obtain a tenant's employment information at the time of application, and any lease renewals, and attorneys may also make efforts to verify place and address of current employment during any court proceedings or hearings.