

## **Attachment of Wages, Salary and Commissions in Residential Landlord Tenant Actions**

Landlords, did you know wage attachment is available in Pennsylvania against Judgment Debtor-Tenants?

The Pennsylvania Supreme Court has promulgated rules permitting the attachment of wages, salary, and commissions in actions or proceedings for amounts awarded to a Judgment Creditor –Landlord arising out of breaches of residential leases by their tenants.

Generally, wages of a judgment debtor cannot be attached in Pennsylvania except under very limited circumstances. An exception has been created that could provide an opportunity for residential landlords to possibly recover amounts of back rent that would otherwise be lost due to delinquent and irresponsible tenants. The availability of wage attachment makes it even more important that landlords obtain accurate information concerning a tenant's employer prior to leasing a residential dwelling.

There are specific procedures that must be complied with to attach a delinquent tenant's wages. The amount of the attachment cannot exceed 10 % of the tenant's net wages per pay period. Additionally, the amount of attachment cannot reduce tenant's take home pay below certain poverty income levels set by the federal government. The burden is on the debtor to establish the poverty exemption, and the burden is on the employer to calculate 10 percent of the net income per pay period.

The contents of this article are for educational purposes, and do not constitute legal advice. Before pursuing any option discussed in this memo, you are advised to consult an attorney to discuss the specific facts and laws applicable to your case.

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