

THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

JAMES MITCHELL,

Appellant,

SA 11-1181

v.

HOUSING AUTHORITY OF
THE CITY OF PITTSBURGH,

Appellee.

ORDER OF COURT

AND NOW, this 23 day of April, 2012, upon consideration of the Record, and conference before the undersigned, it is hereby ordered that:

1. The HACP is prohibited from terminating Appellant's Section 8 benefits while Appellant is under the protection of the Automatic Stay during the pendency of his bankruptcy proceedings pursuant to 11 U.S.C. §362(a);
2. The HACP has the authority to enter into a repayment plan with Appellant for the repayment of the \$3,476 back charge owed by Appellant;
3. However, pursuant to HUD Directive PIH-2010-19 (and extended by PIH-2011-25), the HACP's proposed repayment plan which, inter alia, requires a lump sum payment of \$1,476 is unreasonable;
5. It was an abuse of discretion for the Hearing Officer to uphold the proposed repayment plan;

4. Upon lift of the stay or conclusion of the bankruptcy proceedings it is hereby ORDERED that Appellant and the HACP are to enter into a repayment plan as outlined by Appellant's bankruptcy trustee;
6. Further, upon resumption of this Statutory Appeal following lift of the stay, Appellant's Statutory Appeal is hereby GRANTED.

BY THE COURT:

Am. H. H. H., J.

DISPOSITIVE