

**IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA**

IN RE: : **ADMINISTRATIVE ORDER**
SIXTH JUDICIAL DISTRICT OF THE :
COURT OF COMMON PLEAS OF :
ERIE COUNTY - DECLARATION OF : **NO. 90014 OF 2020**
JUDICIAL EMERGENCY :

2020 OCT -5 AM 10:48
CLERK OF RECORDS
ROTHOMOTARY
COMMON PLEAS COURT
ERIE, PA

FOURTH AMENDED JUDICIAL ORDER

AND NOW, to-wit, this 5th day of October, 2020, **IT IS HEREBY ORDERED, ADJUDGED and DECREED** that, consistent with the federal moratorium on certain evictions issued by the Centers for Disease Control and Prevention (the CDC) and the Department of Health and Human Services, effective September 4, 2020¹, this Court's Judicial Order dated May 6, 2020, Amended Judicial Order dated May 13, 2020, Second Amended Judicial Order dated June 3, 2020, and Third Amended Judicial Order dated July 10, 2020, are **AMENDED** as follows:

1. A landlord shall be precluded from proceeding with a residential landlord/tenant complaint for non-payment of rent against every adult tenant who has provided the landlord with a Declaration of the type required by the CDC (or similar declaration under penalty of perjury).² If the landlord is precluded from proceeding against a tenant with an action for the recovery of the possession of leased residential real property by either the federal CARES Act or the CDC Order, the landlord/tenant complaint shall not be accepted for filing by a Magisterial District Court.
2. In any residential landlord/tenant proceeding for an Order for Possession before a Magisterial District Justice or a Judge of the Court of Common Pleas of Erie County, where the action is based solely on non-payment of rent and where the tenant provides a Declaration of the type required by the CDC (or similar

¹ See "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," 85 Fed. Reg. 55292-01 (September 1, 2020, *effective* September 4, 2020 through December 31, 2020).

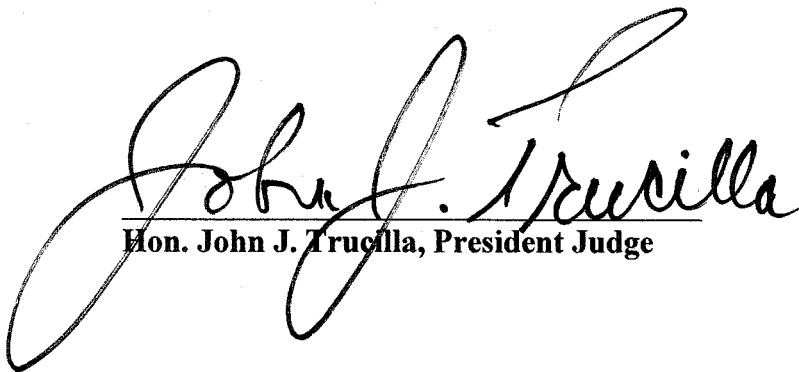
² Available at: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>

declaration under penalty of perjury) (see footnote 2, *supra*), the Order for Possession is **STAYED** until the expiration of the CDC Order on December 31, 2020.

3. Any previously issued Order for Possession based solely on non-payment of rent where the tenant provided, or subsequently provides, a Declaration of the type required by the CDC (or similar declaration under penalty of perjury) (see footnote 2, *supra*), is also **STAYED** until the expiration of the CDC Order on December 31, 2020.
4. All other landlord/tenant matters relating to dispossession of property for breach of any covenant other than nonpayment of rent and/or holdover may immediately proceed, of course, subject to any limitations or directives that may be applicable through the federal CARES Act and/or any other applicable law or Order of Court.

ALL OTHER TERMS OF THIS COURT'S MAY 6, 2020, MAY 13, 2020, JUNE 3, 2020, AND JULY 10, 2020 JUDICIAL ORDERS SHALL REMAIN IN FULL FORCE AND EFFECT.

October 5th, 2020
Date


Hon. John J. Trucilla, President Judge

cc: Geoff Moulton, Esq., Court Administrator of Pennsylvania
Irene M. Bizzoso Esq., Prothonotary, Supreme Court of Pennsylvania
The Honorable Stephanie Domitrovich
The Honorable Elizabeth K. Kelly
The Honorable Daniel Brabender, Jr.
The Honorable John J. Mead
The Honorable Joseph M. Walsh, III
The Honorable Marshall J. Piccinini
The Honorable David G. Ridge
The Honorable Erin Connelly Marucci

Robert Catalde, Esq., District Court Administrator
Julia Bagnoni, Esq., Deputy Court Administrator
Rebecca Humphrey, Esq., Deputy Court Administrator
John Loomis, Erie County Sheriff
Kenneth Gamble, Esq., Clerk of Records
Kelly Malone, Prothonotary
Aubrea Haynes, Clerk of Courts
Tammi Elkin, Esq., Register of Wills
David Bradford, Esq., Recorder of Deeds
Jack Daneri, Esq., District Attorney
Patricia J. Kennedy, Esq., Public Defender