

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: FIFTH JUDICIAL DISTRICT :
TEMPORARY PROCEDURES : No. 23 WM 2020
REGARDING CERTAIN RESIDENTIAL :
LANDLORD TENANT ACTIONS :

ORDER OF COURT

AND NOW, this 4th day of September 2020, pursuant to Pa.R.J.A. No. 1952(B)(2), this Court having declared a judicial emergency in the Fifth Judicial District of Pennsylvania through December 31, 2020, recognizes that rent assistance through the CARES Rent Relief Program and other programs is available for landlords and tenants in Allegheny County and that landlords and tenants may require time to apply for such assistance and additional time for their applications to be processed. This Court further recognizes that on September 4, 2020, the Center for Disease Control and Prevention (CDC) issued an Order temporarily halting certain evictions nationwide to prevent further spread of COVID-19. Therefore, the following is hereby **ORDERED, ADJUDGED and DECREED**.

Residential landlord tenant actions will be accepted for filing within the Fifth Judicial District pursuant to the applicable statutes and rules governing those actions subject to the restrictions in this Order and the CDC Order.

I. Applicable Procedures When CDC Order Does Not Apply

The procedures below apply to those residential landlord tenant actions at a Magisterial District Courts where the action is based on non-payment of rent and where the CDC Order **is not** applicable to the matter.

1. Initial hearing dates for residential landlord tenant actions filed at the Magisterial District Courts where the action is based solely on non-payment of rent shall be scheduled at the latest available landlord tenant court date consistent with Pa.R.C.P.M.D.J. 504 and may be scheduled up to seven (7) days beyond the time limit set forth in Rule 504, if the Magisterial District Judge finds it necessary due to the volume of cases already scheduled.
2. On such cases, if at the initial hearing, the tenant provides an affidavit or testifies under oath affirming that the tenant has submitted or will submit an application for rental assistance under the CARES Rent Relief Program or any of the other available rental assistance programs, the initial hearing date shall be used to conduct a status conference rather than a hearing. During this status conference, the CARES Rent Relief Program or other program shall be considered by the parties who shall determine if they will move forward with an application.
3. If both parties agree to move forward with an application through the CARES Rent Relief Program or other available rental assistance program, the hearing shall be continued to allow for sufficient time for the application to be processed as agreed to by the parties and the Magisterial District Judge. Multiple continuances may be granted so there is sufficient time for the application to be processed and the relief to be provided. A hearing shall not occur until the application has either been granted, denied or withdrawn.
4. If, during the status conference, the parties do not both agree to move forward with an application, the case may be postponed to a new date for a hearing on the matter or the Magisterial District Judge may, in his or her discretion, continue the hearing to allow for an application to be made and processed.
5. Application for COVID-19 related rent assistance through the CARES Rent Relief Program can be made online at <https://covidrentrelief.alleghenycounty.us>.
6. Additional information about other rental assistance programs may be found at the following links:

- <https://www.ura.org/pages/covid-19-resources-for-residents>
- <https://www.alleghenycounty.us/human-services/index.aspx>
- <https://renthelppgh.org/>

II. Applicable Procedures When CDC Order Does Apply

The procedures in this section apply to residential landlord tenant actions at a Magisterial District Court or the Court of Common Pleas where the action is based on non-payment of rent and the tenant complies with the requirements of the CDC Order.

Prior to accepting a new residential landlord tenant action for filing the Court shall require a landlord to sign an affidavit stating whether or not they have received a Declaration Form from the tenant pursuant to the CDC Order.

If a tenant complies with the requirements of the CDC Order and provides a copy of the Declaration Form required under the CDC Order to the Court, or if the Court otherwise determines that the tenant has provided such a Declaration Form to the landlord:

1. In cases at the Magisterial District Court, the action may be accepted for filing, but the case shall be stayed until after the expiration of the CDC Order. However, in order to give the parties an opportunity to also consider available rental assistance, the initial hearing date may still be used to conduct a status conference rather than a hearing and the CARES Rent Relief Program or other program shall be considered by the parties. Following this status conference, the matter shall be stayed until after the expiration of the CDC Order;
2. In cases at the Court of Common Pleas, the action may be accepted for filing, but the case shall be stayed until after the expiration of the CDC Order;

3. A Writ or Order of Possession shall not be issued and any previously issued Writ or Order of Possession shall be considered stayed and shall not be executed until after the expiration of the CDC Order;

Information regarding the CDC Order and a downloadable Declaration Form for use by a tenant can be found at <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>. For questions regarding the CDC Order, tenants or landlords may call the CARES Rent Relief Hotline at 412.248.0021.

This Order shall become effective on September 4, 2020 and shall remain in effect until further Order of Court.

BY THE COURT:



_____, P. J.

Kim Berkeley Clark
President Judge