

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 31st day of March 2021, 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 June 30, 2021, recognizes that rent assistance through the Emergency Rental Assistance 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, which has been extended through June 30, 2021. 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 Court where the action is based, at least in

part, on non-payment of rent or end of lease 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, at least in part, on non-payment of rent or end of lease, 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 thirty (30) 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. If at the initial hearing in these cases, the tenant indicates that the tenant has submitted or will submit an application for rental assistance under the Emergency Rental Assistance Program or any other rental assistance program, the initial hearing date shall be used as a status conference rather than a hearing. During the status conference the Emergency Rental Assistance Program and other rental assistance programs shall be considered by the parties. The Allegheny County Department of Human Services shall provide information and assistance regarding the application processes.
3. If, at the status conference, the Court finds that an application for rental assistance has been submitted or will be made, the case shall be continued to allow for sufficient time for the application to be processed. Multiple continuances may be granted to allow for sufficient time for the application to be processed and the rent relief to be provided. A hearing shall not occur while good faith efforts are being made to obtain assistance that would be reasonably likely to satisfy a potential judgment under Pa.R.C.P.M.D.J. 518.
4. If, at the status conference, it is determined that the case involves an end-of-lease situation in which the payment of money would not prevent an eviction and the tenant would not be able to satisfy a potential judgment under Pa.R.C.P.M.D.J. 518 by the payment of money, the case shall be continued for a period of time of between 21 and 35 days. The Allegheny County Department of Human

Services and/or other agencies will provide information and resources to assist tenants in planning for alternative housing arrangements in the event of a potential judgment in favor of the landlord.

5. If at the initial hearing the tenant does not appear, the Magisterial District Judge may only proceed to a hearing per Pa.R.C.P.M.D.J. 512 and 514(a) if the landlord signs an affidavit stating that the tenant has vacated the premises and the Magisterial District Judge so finds. If the Magisterial District Judge does not so find, the hearing shall be postponed for 14 days and notice resent to the tenant. If at the subsequent hearing, the tenant fails to appear the case shall proceed in accordance with Pa.R.C.P.M.D.J. 512 and 514(a)
6. Information for COVID-19 related rent assistance through the Emergency Rental Assistance Program and Allegheny County DHS resources can be found online at: <https://www.alleghenycounty.us/Human-Services/Programs-Services/Basic-Needs/Housing-and-Homeless.aspx>.
7. 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://renthelppgh.org/>
8. Landlord-tenant proceedings may be conducted by ACT, provided both parties are given the opportunity to communicate with Allegheny County Department of Human Services personnel to discuss rental assistance and available resources. In-person hearings are also permitted.

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 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 CDC Declaration Form required under the CDC Order to the Court, or if the landlord affidavit indicates that the landlord received a CDC Declaration Form from the tenant, or if the Court otherwise determines that the tenant has provided a CDC Declaration Form to the landlord, the following procedures will apply:

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 shall still be used to conduct a status conference rather than a hearing and the Emergency Rental Assistance Program or other programs shall be considered by the parties. Following this status conference, the matter shall be stayed until after the expiration of the CDC Order.
2. For cases in 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.

III. Other Residential Landlord Tenant Actions and Effective Date

Landlord-tenant proceedings based only upon breach of lease (other than breach due to end of lease) may continue to proceed as scheduled, in-person, provided that all COVID-19 protocols, including occupancy restrictions in

courtrooms and waiting rooms, are strictly followed. Parties shall be given the option to appear remotely. Courts are directed to exercise discretion and consider the CDC Agency Order guidance concerning public health and safety when ruling upon landlord-tenant proceedings based upon breach of lease.

Information regarding the CDC Order can be found at <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>. A downloadable Declaration Form for use by a tenant can be found at <http://www.pacourts.us/assets/files/setting-901/file-9976.pdf?cb=fdaeb3>. A Declaration Form may also be provided by the Magisterial District Court.

This Order shall become effective on March 31, 2021 and shall remain in effect until further Order of Court.

BY THE COURT:



_____, P.J.
Kim Berkeley Clark
President Judge