

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

IN RE: 31st JUDICIAL DISTRICT – : No. 48 MM 2020
DECLARATION OF JUDICIAL EMERGENCY :

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IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

IN RE: JUDICIAL EMERGENCY ORDER : NO. 2020-J-0094

6th AMENDED EMERGENCY ORDER

AND NOW, this 16th day of July, 2020, the Court having declared a judicial emergency in the 31st Judicial District of Pennsylvania through August 31, 2020, by declarations filed on March 17, April 3, April 21, May 29, and June 17, 2020;

AND it being the intention to protect the health and safety of the public and court employees and maintain as high a level of operations and service as possible without compromising legal rights; and in accordance with the Supreme Court's Order of May 27, 2020, in In Re General Statewide Judicial Emergency (Nos. 531 and 532 Judicial Administration Docket);

IT IS ORDERED:

1.) All matters and proceedings shall be scheduled and conducted in the normal course EXCEPT:

a.) All matters and proceedings that can be conducted by advanced communication technology (Zoom, Polycom, telephone, video-conferencing, closed circuit television, facsimile, scanning, electronic filing, etc.) are encouraged to be conducted by advanced communication technology, notwithstanding any general order of court to the contrary but subject to constitutional limitations.

b.) All in-person proceedings shall be limited to no more than 25 persons

in the Common Pleas and no more than 10 persons in the Magisterial District Courts.

c.) Jury trials remain suspended through August 2, 2020, and may resume on August 3, 2020, with priority being given to criminal cases involving Pa.R.Crim.P. 600 or other "speedy trial" issues, incarcerated defendants or felony charges.

d.) Civil Division:

(1) In matters involving the nonpayment of monies, the notice requirements mandated by Act 6 and Act 91 are stayed until August 31, 2020, thereby tolling the ability to commence the timelines and necessary Act 6 and Act 91 compliance that must be satisfied prior to the initiation of foreclosure actions. All foreclosures requiring compliance with Act 6 and Act 91 cannot commence until August 31, 2020. All foreclosure timelines must be computed with a start date of August 31, 2020, at which point any previously delivered Act 6 and Act 91 notices will be deemed delivered and any foreclosure process may commence. The foreclosure actions requiring Act 6 and Act 91 compliance may proceed from that point forward in the normal course of action.

e.) Magisterial District Courts:

(1) Payors shall be encouraged to make payments by mail, electronically (on-line), or by telephone rather than in person.

(2) In those matters involving the nonpayment of monies or the removal of any tenant solely because the tenant has held over or exceeded the term of the lease, the notice requirements mandated by the Landlord and Tenant Act of 1951 and the Manufactured Home Community Rights Act are stayed until August 31, 2020, thereby tolling the ability to commence the timelines necessary for the initiation of residential eviction proceedings in those cases. No residential eviction proceedings involving the nonpayment of monies or the removal of any tenant solely because the tenant has held over and requiring compliance with the Landlord and Tenant Act of 1951 and the Manufactured Home Community Rights Act may be commenced until August 31, 2020. All eviction timelines must be computed with a start date of August 31, 2020, at which point any previously delivered Landlord and Tenant Act of 1951 and the Manufactured Home Community Rights Act notices will be deemed delivered and any eviction proceedings may commence. The eviction proceedings requiring compliance with the Landlord and Tenant Act of 1951 and the Manufactured Home Community Rights Act may proceed from that point forward in the normal course of action.

(3) The following eviction actions may proceed in the normal course:

- (i) Actions involving non-residential properties.
- (ii) Actions involving residential properties that do not involve the nonpayment of monies or the removal of any tenant solely because the tenant has held over or exceeded the term of the lease.
- (iii) Actions in which statutory notice was delivered prior to May 11, 2020.
- (iv) Actions in which statutory notice requirements were waived in the lease.

(4) Landlord/Tenant actions involving “federally funded covered properties” subject to the CARES Act are stayed until August 31, 2020. New actions may not be initiated before August 31, 2020. However, the landlord may issue a 30-day notice to quit (not a 10-day notice) on/after August 11, 2020, and a complaint may be filed on/after September 10, 2020.

(5) Landlord/Tenant actions for failure to pay rent or overstaying the expiration of a lease NOT involving “federally funded covered properties” shall proceed as follows: Until the expiration of the CARES Act, all landlord/tenant filings, initial complaints and requests for possession for failure to pay rent or for overstaying the terms of a lease shall include an affidavit signed by the landlord verifying the action does not involve a “federally funded covered property.” An Affidavit of Compliance with the “CARES Act” shall be available on the Lehigh County website.

(6) The costs for reissuance of an order of possession necessitated by the Court’s Emergency Order shall be charged to the County of Lehigh.

IT IS FURTHER ORDERED the operation of Pa.R.Crim.P.No. 600 is suspended in the 31st Judicial District through September 30, 2020, so that the time period from March 17, 2020, through September 30, 2020, shall be excluded from the time computation under Pa.R.Crim.P.No. 600(C) without prejudice to a criminal defendant’s right to a speedy trial under the United States and Pennsylvania Constitutions.

IT IS FURTHER ORDERED any legal papers, pleadings, motions or petitions, including original service, required to be filed or effected between March 17, 2020, and June 30, 2020,

shall be deemed to have been filed timely if they are filed by July 20, 2020, or on a later date as permitted by court order, subject to constitutional restrictions, statute of limitations or appellate court direction.

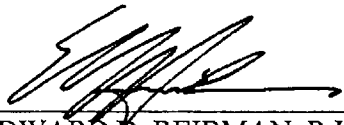
IT IS FURTHER ORDERED the Sheriff is authorized to conduct the Sheriff's Sale scheduled for Friday, July 31, 2020, at 10:00 a.m. at Cedar Crest College, Alumnae Hall Auditorium, 100 College Drive, Allentown, PA 18104.

IT IS FURTHER ORDERED, pursuant to Pa.R.J.A. No. 1952(B)(2)(d), while the judicial emergency remains in effect, access to the Lehigh County Courthouse or any court facility shall be limited to employees of the Unified Judicial System of Pennsylvania or the County of Lehigh; persons having business with the courts, departments or offices contained within such facilities; and persons observing court proceedings open to the general public consistent with the U.S. Centers for Disease Control and Pennsylvania Department of Health recommendations, including the wearing of face masks and maintaining social distancing. The Sheriff of Lehigh County shall assist in implementing this Order.

IT IS FURTHER ORDERED, NOTWITHSTANDING THE ABOVE, ANY AGREEMENT OR STIPULATION IN ANY MATTER MAY BE SUBMITTED TO THE ASSIGNED JUDGE OR, IF NO ASSIGNED JUDGE, THEN TO THE COURT ADMINISTRATOR.

IT IS FURTHER ORDERED this Order supersedes all previous Emergency Orders.

BY THE COURT:


EDWARD D. REIBMAN, P.J.