

**IN THE COURT OF COMMON PLEAS, LANCASTER COUNTY, PENNSYLVANIA
SECOND JUDICIAL DISTRICT**

IN RE: : No. A.D. 43-2020
: :
LANDLORD/TENANT ACTIONS : Supreme Court Docket No. 44 MM 2020

ADMINISTRATIVE ORDER

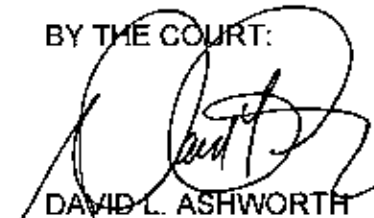
AND NOW, this 11th day of September, 2020, upon consideration of the Pennsylvania Supreme Court's May 27, 2020, Order specifically empowering President Judges to continue to exercise emergency powers under Rule 1952(B)(2) of the Rules of Judicial Administration, and consistent with the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 ("CARES Act"), and the September 4, 2020 Agency Order of the Centers for Disease Control and Prevention ("CDC"), entitled "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," it is hereby ORDERED as follows:

1. Every Landlord/Tenant action filed by a landlord against a tenant in Lancaster County, Pennsylvania for the recovery of possession of leased residential real property on or after September 4, 2020 through December 31, 2020 shall be accompanied by an Affidavit of Compliance with the CARES Act and the CDC's September 4, 2020 Agency Order in the form attached hereto as Exhibit "A."
2. A landlord shall be precluded from proceeding with a Landlord/Tenant Complaint for non-payment for rent against every adult tenant who has provided the landlord with a Declaration of the type promulgated by the CDC (or similar Declaration under penalty of perjury). Additionally, a landlord shall be precluded from proceeding with a Landlord/Tenant Complaint against a tenant if the leased residential real property is subject to (1) an unsatisfied mortgage securitized by the Federal Home Loan Mortgage Corporation (Freddie Mac) or the Federal National Mortgage Association (Fannie Mae), (2) a federally backed multifamily mortgage loan that is in forbearance status, or (3) a federally backed multifamily mortgage loan that was in forbearance status that has now expired, and the landlord has not provided the required notice to vacate to the tenant. 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 CARES Act or the CDC Agency Order, the Landlord/Tenant Complaint shall not be accepted for filing by the Magisterial District Court.

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CLERK OF COURTS


3. If the landlord is not precluded from proceeding against a tenant with a Landlord/Tenant Complaint for the recovery of the possession of leased residential real property by either the CARES Act or the CDC Agency Order, the Landlord/Tenant Complaint shall be accepted for filing by the Magisterial District Court. A copy of the completed Affidavit of Compliance shall be attached to the Landlord/Tenant Complaint and served on the tenant(s).
4. If at any time up until possession of the leased residential real property is delivered to the landlord, proof is provided to the Magisterial District Court that the tenant(s) provided the landlord with the CDC Declaration after the Landlord/Tenant Complaint was filed, the Landlord/Tenant Complaint, and all subsequent proceedings, shall be stayed and no action shall be taken to enter a judgment for possession of the leased residential real property, a monetary judgment for unpaid rent, and/or to issue or execute upon an Order for Possession of the leased residential real property.
5. If at any time up until possession of the leased residential real property is delivered to the landlord, proof is provided to the Magisterial District Court that the tenant(s) provided the landlord with the CDC Declaration before the Landlord/Tenant Complaint was filed, the Landlord/Tenant Complaint shall be dismissed.
6. Magisterial District Judges have no jurisdiction and, therefore, shall not undertake to determine the truthfulness or validity of a CDC Declaration provided by the tenant(s) to the landlord.

BY THE COURT:



DAVID L. ASHWORTH
PRESIDENT JUDGE

ATTEST:



Copies to:

- Lancaster County Board of Judges
- Lancaster County Magisterial District Judges
- Lancaster County District Court Administrator
- Lancaster County Clerk of Courts
- Lancaster County Prothonotary
- Lancaster County Register of Wills
- Lancaster County Clerk of the Orphans' Court
- Lancaster County Sheriff
- Lancaster County District Attorney
- Lancaster County Public Defender
- Lancaster County Adult Probation & Parole Services
- Lancaster County Juvenile Probation
- Lancaster County Children and Youth Social Service Agency
- Lancaster County Prison
- Lancaster County Board of Commissioners
- Lancaster County Solicitor

EXHIBIT “A”

**AFFIDAVIT OF COMPLIANCE WITH CARES ACT AND CDC ORDER ENTITLED
TEMPORARY HALT IN RESIDENTIAL EVICTIONS TO PREVENT THE FURTHER
SPREAD OF COVID-19**

In order to support my assertion that this filing complies with the federal CARES Act, HUD Rules and Regulations, the CDC Order, I affirm that:

1. _____ I have not received from the Tenant(s) a signed Declaration promulgated by the CDC or a similar declaration under penalty of perjury prior to the filing of this Landlord/Tenant Complaint. For more information on the CDC's Order entitled "Temporary Halt in Residential Evictions to Prevent the Further Spread of Covid-19" go to [federalregister.gov/d/2020-19654](https://www.federalregister.gov/d/2020-19654) or [govinfo.gov](https://www.govinfo.gov).

2. _____ I have confirmed that there is no unsatisfied mortgage on the property that was purchased or securitized by the Federal Home Loan Mortgage Corporation ("Freddie Mac") or the Federal National Mortgage Association ("Fannie Mae") by checking the property via the mortgage lookup tool for Freddie Mac (www.FreddieMac.com/mymortgage) and Fannie Mae (www.KnowYourOptions.com/loan lookup).

For Landlords with Federally Backed Multifamily Loans

3. _____ If the property is the subject of a federally backed multifamily mortgage loan, there is no mortgage on the property that is currently in forbearance status, and there is no pending application for mortgage forbearance. See CARES Act, § 4023(d).

4. _____ If the property is the subject of a federally backed multifamily mortgage loan that was in forbearance status under the CARES Act that has now expired, I have provided the required notice to vacate to the tenant. See CARES Act, § 4023(d).

I, _____ verify that the facts set forth in this affidavit are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. § 4904 related to unsworn falsification to authorities.

Date

Signature of Landlord or Authorized Agent