

IN THE SUPREME COURT OF PENNSYLVANIA

In Re: Seventh Judicial District of Pennsylvania – : **No. 43 MM 2020**
Bucks County Court of Common Pleas’ Request :
Pursuant to Pa.R.J.A. No. 1952(B)(2)(m) and (s) to :
Temporarily Authorize the Court Action to Reduce :
Evictions Program :

Pursuant to Pa.R.J.A. No. 1952(B)(2)(m) and (s), Wallace H. Bateman, Jr., President Judge of the Bucks County Court of Common Pleas, hereby requests the Supreme Court to temporarily authorize implementation of the Court Action to Reduce Evictions Program and in support of his request represents as follows:

1. Notwithstanding the expiration of the formal judicial state of emergency in the Commonwealth and the Seventh Judicial District, the economic and societal effects of the COVID-19 pandemic continue.
2. In consideration of the adverse impacts of the pandemic specific to the context of residential tenants and in an attempt to broaden the reach and effectiveness of the Bucks County Emergency Rental Assistance Program (“BERA”), which benefits both tenants and landlords by securing delivery of available government funds to satisfy past and ongoing rental obligations in appropriate cases, the Court worked with County agencies to formulate the Court Action to Reduce Evictions program (“eviction reduction program”). See Exhibit “A,” proposed Administrative Order.
3. To summarize, the eviction reduction program provides for a mandatory 30-day continuance of all residential landlord tenant actions for non-payment of rent in which BERA certifies that an application for assistance has been submitted and further provides for a discretionary continuance upon request of the defendant, without BERA certification, indicating that such an application has been or will be made. The continuance, whether entered on a mandatory or discretionary basis, may be extended one time for an additional thirty days, and no more than one continuance may be imposed in any case. In practice, the nature and indicated length may bring a continuance entered pursuant to the order into conflict with Pa.R.C.P.M.D.J. Nos. 209 (as applied to hearing) and 515-519 (as applied to orders of possession).
4. The BERA program has been successful in mitigating the harmful effects of eviction during the pandemic. As of July 28, 2021:
 - a. BERA has received \$56,134,176.00 in federal funding.
 - b. 1,589 applications for assistance have been submitted to BERA, of which 859 have been approved thus far, resulting in \$7,789,761.18 being distributed to landlords on behalf of tenants and thereby allowing the tenants to avoid eviction. 102 applications are in the process of payment.
 - c. 402 applications remain under review. The time necessary for review varies substantially based on the completeness of the application upon submission, but generally review is complete in not more than 60 days.

5. It is anticipated that with the July 31, 2021 expiration of the CDC Order imposing a moratorium on evictions, filing activity in actions for recovery of possession of residential real estate, including both new cases and requests for orders of possession, will increase dramatically, creating incentive for more tenants to apply for the assistance offered by BERA. The expected influx of new filings is in addition to the 325 landlord/tenant cases filed since the onset of the pandemic in March 2020, that await hearing, and the 1,874 judgments entered for the plaintiff in that timeframe, many of which have not yet proceeded to possession.

6. The continuances contemplated by the eviction reduction program will permit courts to better manage their caseloads and allow BERA to complete the application review process prior to any potential eviction, thereby securing funds in appropriate cases sufficient both to satisfy landlords and to allow tenants to retain their residences.

Wherefore, given the above and the considerations cited in the preamble of the attached proposed administrative order, the undersigned respectfully requests that the Court enter a special order pursuant to Pa.R.J.A. No. 1952(B)(2)(s) to authorize the Bucks County Court of Common Pleas to implement the Court Action to Reduce Evictions program pursuant to the terms of the attached proposed administrative order through October 31, 2021 or such other time as the Court deems appropriate, and, pursuant to Pa.R.J.A. No. 1952(B)(2)(m) insofar as the timeframes described therein may conflict with Pa.R.C.P.M.D.J. Nos. 209 and 515-519, to temporarily suspend the operation of said rules as applied to matters subject to the program, for the duration of the program.



Wallace H. Bateman, Jr.

President Judge

Bucks County Court of Common Pleas

Judge for a continuance of proceedings, which request shall be signed by a representative of BERA and certify that the defendant has applied for emergency rental assistance. Upon receipt by the Magisterial District Judge of such a request, all proceedings, including pending execution on any order of possession, shall be continued for 30 days.

2. If a request for continuance pursuant to this order is not submitted by or not signed by a representative of BERA, the Magisterial District Judge, if satisfied that a good faith application for rental assistance has been or will be submitted to BERA or another comparable assistance agency, may continue the matter in her or his sole discretion for 30 days.
3. In the Magisterial District Judge's sole discretion, a continuance pursuant to this order may be extended for an additional 30 days upon request or *sua sponte*. One such extension of the continuance may be granted; no further extension is permitted. No continuance shall exceed a total of 60 days, and only one continuance pursuant to this order may be imposed in any action.
4. Should the BERA application be denied, withdrawn, or otherwise finally determined in a manner adverse to the applicant during the continuance period, the Magisterial District Judge may in her or his discretion terminate the continuance and the action shall proceed.
5. A continuance pursuant to this order shall be imposed only in actions for recovery of possession of residential real property for non-payment of rent in which an application for rental assistance has been submitted to BERA or another comparable assistance agency. Nothing herein shall be construed to require imposition of a continuance in actions brought for reasons other than non-payment of rent or actions in which no application for rental assistance has been submitted.
6. A continuance imposed pursuant to this order prior to expiration of the order shall survive the expiration of the order and may be extended as permitted above. Said continuance shall expire 30 or 60 days from imposition as directed herein.

This order shall be effective August 1, 2021, and shall expire on October 31, 2021.

BY THE COURT:

Wallace H. Bateman, Jr.
President Judge