

## IN THE SUPREME COURT OF PENNSYLVANIA

In Re: 38th Judicial District of Pennsylvania – : No. **29 MM 2020**  
 Montgomery County Court of Common Pleas' Request :  
 Pursuant to Pa.R.J.A. No. 1952(B)(2)(m) and (s) to :  
 Temporarily Authorize the Suspension of :  
 Pa.R.C.P.M.D.J. Nos. 209 and 515-519 :

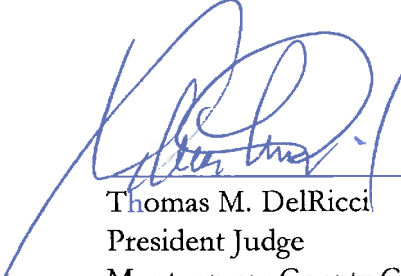
Pursuant to Pa.R.J.A. No. 1952(B)(2)(m) and (s), Thomas M. DelRicci, President Judge of the Montgomery County Court of Common Pleas, hereby requests the Supreme Court to temporarily authorize the suspension of Pa.R.C.P.M.D.J. Nos. 209 and 515-519 and in support of his request represents as follows:

1. Notwithstanding the expiration of the formal judicial state of emergency in the Commonwealth, the economic and societal effects of the COVID-19 pandemic continue.
2. To confront the adverse impacts of the pandemic specific to the context of residential tenants, Montgomery County's Department of Health and Human Services through its Your Way Home program has implemented the Emergency Rent and Utility Coalition ("ERUC"), which benefits both tenants and landlords by securing delivery of available government funds to satisfy past and ongoing rental obligations in appropriate cases.
3. To ensure the success of ERUC, a mandatory 30-day continuance of all residential landlord tenant actions for non-payment of rent in which ERUC certifies that an application for assistance has been submitted is necessary, along with a discretionary continuance upon request of the defendant, without ERUC 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 ERUC program has been successful in mitigating the harmful effects of eviction during the pandemic. As of August 11, 2021:
  - a. ERUC has received \$ 64,401,151.63 in federal funding.
  - b. 3,482 applications for assistance have been submitted to ERUC, of which 2,713 have been approved thus far, resulting in \$ 20,755,727.50 being distributed to landlords on behalf of tenants and thereby allowing the tenants to avoid eviction.
  - c. 350 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 21 days.

5. With the United States Supreme Court's Order vacating the stay in Alabama Association Realtors v. Department of Health and Human Services effectively ending the CDC 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 ERUC. The expected influx of new filings is in addition to the 242 landlord/tenant cases filed since the onset of the pandemic in March 2020, that await hearing, and the 3,712 judgments entered for the plaintiff in that timeframe, many of which have not yet proceeded to possession.

6. The continuances contemplated will permit courts to better manage their caseloads and allow ERUC 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 Montgomery County Court of Common Pleas to permit the continuances of pending landlord tenant matters through December 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 affected by ERUC, for the duration of the program.



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Thomas M. DelRicci  
President Judge  
Montgomery County Court of Common Pleas



1. At any time subsequent to commencement of an action for recovery of possession of residential real property for non-payment of rent, any party to the action, or ERUC upon consent of a party to the action, may submit a request to the presiding Magisterial District Judge for a continuance of proceedings, which request shall be signed by a representative of ERUC 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 ERUC, the Magisterial District Judge, if satisfied that a good faith application for rental assistance has been or will be submitted to ERUC 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 any pending ERUC application be denied, withdrawn, or otherwise finally determined in a manner adverse to the applicant during the period of a continuance entered pursuant to this order, 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 ERUC 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 , 2021, and shall expire on December 31, 2021.

BY THE COURT:

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Thomas M. DelRicci  
President

Judge