

IN THE SUPREME COURT OF PENNSYLVANIA

WESTERN DISTRICT

IN RE: :
FIFTH JUDICIAL DISTRICT :
REQUEST TO AUTHORIZE :
CONTINUATION OF TEMPORARY : No. 23 WM 2020
PROCEDURES REGARDING :
CERTAIN RESIDENTIAL :
LANDLORD/TENANT ACTIONS :

Pursuant to Pa.R.J.A. No. 1952(B)(2)(m) and (s), Kim Berkeley Clark, President Judge of the Fifth Judicial District, hereby requests the Pennsylvania Supreme Court to temporarily authorize the continuation of certain procedures at the Magisterial District Courts in the Fifth Judicial District as set forth in the attached proposed Administrative Order titled "Fifth Judicial District Temporary Procedures Regarding Certain Residential Landlord Tenant Actions." These procedures are intended to allow for sufficient time for applications for available emergency rental assistance funds to be processed and for those funds to be distributed to prevent avoidable evictions in the District during the pandemic. In support of this request, the following is represented:

1. The COVID-19 pandemic has caused ongoing economic losses to tenants and landlords and is anticipated to result in an unprecedented number of potential evictions.

2. Allegheny County and the City of Pittsburgh have been awarded over 80 million dollars in federal Emergency Rental Assistance Program (ERAP) funding to assist landlords and to prevent tenants from being evicted due to inability to pay rent. Further funding is expected. Action Housing, a nonprofit agency, contracts with the Allegheny County Department of Human Services to administer the Emergency Rental Assistance Program in the District.
3. The Fifth Judicial District has worked in cooperation with the Allegheny County Department of Human Services to establish temporary procedures to assist tenants and landlords with the application process for obtaining this rental assistance. Representatives of the Department of Human Services have been present at the Magisterial District Courts to assist tenants and landlords in applying for these funds. These procedures have been working well to help prevent avoidable evictions during the pandemic and to more efficiently distribute some of the available rental assistance funds.
4. Since the inception of the program in March 2021, over 19,000 ERAP applications have been received and over 7,000 have been processed. Only 300 applicants have been found to be ineligible for assistance. More than 44 million dollars of ERAP assistance has been distributed. There remains over 30 million dollars of rental assistance to be distributed. Further funding is expected. The average time to complete the application process is approximately 30 to 45 days.
5. The COVID-19 community transmission level in Allegheny County, as categorized by the Centers for Disease Control and Prevention, remains high. Allegheny County has experienced a significant increase in COVID-19 cases in the last three months. The seven-day moving daily average of positive COVID-19 cases in the County is currently 316.
6. By order dated, August 6, 2021, No. 23 WM 2020, this Honorable Court temporarily authorized these procedures and

the suspension of Pa.R.C.P.M.D.J. Nos. 209, 504, and 515-519 to the extent that the authorized procedures were inconsistent with those rules. This authorization will expire on October 31, 2021.

7. The Fifth Judicial District wishes to continue the existing procedures at the Magisterial District Courts beyond October 31, 2021 to allow for sufficient time for applications for rental assistance to be processed and funds distributed to eliminate or reduce preventable evictions. The proposed procedures require the initial hearing to be treated as a status conference for the parties to consider application for rental assistance. The procedures also allow for postponement of proceedings so that residential evictions do not occur while good faith efforts are being made to obtain rental assistance that would be reasonably likely to prevent the eviction under Pa.R.C.P.M.D.J. 518. See the proposed Administrative Order attached hereto as Exhibit A. This Administrative Order may conflict with Pa.R.C.P.M.D.J. Nos. 209 and 515-519 to the extent that it can cause delays inconsistent with those rules.
8. The current, existing procedures also allow for the initial hearings in Landlord Tenant cases to be scheduled up to 15 days beyond the time set forth in Pa.R.C.P.M.D.J. 504, but this specific provision is not being sought in this request and is not included in the proposed Administrative Order attached hereto as Exhibit A.

To the extent possible and practical under the circumstances, notice of this request for an emergency judicial order has been or will be:

- Posted on the Fifth Judicial District website; and
- Submitted to the Administrative Office of Pennsylvania Courts for publication pursuant to Rule of Judicial Administration No. 1952(C)(5).

Interested parties are advised that objections to any emergency judicial order issued by the Supreme Court should be transmitted to the Supreme Court Prothonotary.

Wherefore, it is respectively requested that this Court enter an Order pursuant to Pa.R.J.A. No. 1952(B) authorizing the undersigned to issue the attached temporary Administrative Order to be effective through November 30, 2021 subject to continued, adequate funding in the Emergency Rental Assistance Program. It is further respectively requested that this Court allow the undersigned to temporarily suspend the operation of Pa.R.C.P.M.D.J. Nos. 209 and 515-519 to the extent that they are inconsistent with the Administrative Order.



Kim Berkeley Clark
President Judge

Dated:

October 28, 2021

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
ADMINISTRATIVE DOCKET

IN RE: FIFTH JUDICIAL DISTRICT)
TEMPORARY PROCEDURES) NO. AD- 21- PJ
REGARDING CERTAIN RESIDENTIAL)
LANDLORD/TENANT ACTIONS)
)

ORDER OF COURT

AND NOW, this _____ day of October, 2021, this Court 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, according to the Centers for Disease Control and Prevention (CDC), Allegheny County continues to have a high COVID-19 community transmission rate. Therefore, pursuant to the Pennsylvania Supreme Court Order of _____ granting authorization for this Administrative Order, the following is hereby **ORDERED, ADJUDGED and DECREED**.

The procedures below, in items 1 through 6, 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.

1. 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

EXHIBIT A

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.

2. Any initial hearing previously scheduled on residential landlord/tenant actions to which these procedures apply shall be treated as a status conference in the manner described in this Order.
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 prevent the eviction under Pa.R.C.P.M.D.J. 518.
4. If an existing residential landlord tenant action to which these procedures apply has not otherwise been postponed pending application for or receipt of rental assistance pursuant to the procedures above, then a party may request a continuance of the proceedings, including the execution of an order of possession. Such request must assert that an application for rental assistance has been submitted, and the existence of the application must be verified with the Allegheny County Department of Human Services. If the Magisterial District Judge determines that such an application has been submitted and that good faith efforts are being made to obtain assistance that would be reasonably likely to prevent the eviction under Pa.R.C.P.M.D.J. 518, then a continuance shall be granted, and a status conference scheduled. The status conference shall be used to determine the ongoing status of the application. Multiple continuances may be granted to allow for sufficient time for the application to be processed and the rent relief to be provided. An eviction shall not occur while good faith efforts are being made to obtain assistance that would be reasonably likely to prevent the eviction under Pa.R.C.P.M.D.J. 518.
5. Information for COVID-19 related rent assistance through the Emergency Rental Assistance Program and Allegheny County

Department of Human Services resources can be found online at:
<https://www.alleghenycounty.us/Human-Services/Programs-Services/Basic-Needs/Housing-and-Homeless.aspx>.

6. 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/>

This Order shall become effective immediately and shall remain in effect through November 30, 2021.

BY THE COURT:

Kim Berkeley Clark, P.J.
President Judge