

IN THE SUPREME COURT OF PENNSYLVANIA

WESTERN DISTRICT

IN RE: :  
FIFTH JUDICIAL DISTRICT :  
REQUEST TO TEMPORARILY : No. 23 WM 2020  
AUTHORIZE COURT ORDER :  
TO REDUCE EVICTIONS :

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 implementation of certain procedures at the Magisterial District Courts in the Fifth Judicial District as set forth in the attached proposed Administrative Order entitled "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. 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. 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 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. On February 24, 2021, the Fifth Judicial District, by Emergency Court Order, established procedures in the Magisterial District Courts to allow for sufficient time for tenants and landlords to apply for and receive this funding, thereby preventing unnecessary evictions. This Order was reissued with minor changes on March 31, 2021, but has since expired.
4. Since the inception of the program in March 2021, over 12,000 ERAP applications have been received and over 3,000 have been processed. Less than 100 have been denied. More than 18 million dollars of ERAP assistance has been distributed. There remains, however, approximately 60 million dollars of rental assistance to be distributed. The average time to complete the application process is approximately 30 to 45 days.
5. While the Centers for Disease Control and Prevention (CDC) issued a new order on August 4, 2021, temporarily halting certain evictions in certain areas to prevent further spread of COVID-19, the CDC Order, in and of itself, is not designed to provide for sufficient time for landlords and tenants to obtain the available rental assistance funds.

6. The Fifth Judicial District wishes to reinstitute procedures at the Magisterial District Courts 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 would 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 and cause the initial hearing to be treated as a status conference for the parties to consider application for rental assistance. The procedures would also allow for postponements of proceedings so that evictions would not occur while good faith efforts were 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, 504, and 515-519 to the extent that it can cause delays inconsistent with those rules.

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's website
- 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 respectfully 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 October 31, 2021, and to temporarily suspend the operation of Pa.R.C.P.M.D.J. Nos 209, 504, and 515-

519 to the extent that they are inconsistent with the Administrative Order.



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Kim Berkeley Clark  
President Judge

Dated:

August 4, 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 August 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 on August 4, 2021, the Centers for Disease Control and Prevention (CDC) issued a new Order temporarily halting certain evictions in certain areas to prevent further spread of COVID-19. 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 7 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. Initial hearing dates for residential landlord tenant actions filed at the Magisterial District Courts to which these procedures apply shall be scheduled at the latest available landlord tenant court date consistent

EXHIBIT A

with Pa.R.C.P.M.D.J. 504 and may be scheduled up to fifteen (15) days beyond the time limit set forth in Rule 504, if the Magisterial District Judge finds it necessary due to the volume of cases already scheduled.

2. 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 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.
3. 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.
4. 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.
5. 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.

6. Information for COVID-19 related rent assistance through the Emergency Rental Assistance Program and Allegheny County DHS resources can be found online at: <https://www.alleghenycounty.us/Human-Services/Programs-Services/Basic-Needs/Housing-and-Homeless.aspx>.
7. 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/>

In cases to which the new CDC Order applies and the action is, at least in part, for non-payment of rent, the case may still proceed pursuant to the procedures set forth above in items 1 through 7.

In any event, no Order of Possession shall be issued or acted upon as long as the CDC Order continues to apply to the case. Consistent with prior orders of this Court, the CDC Order shall be considered to apply to end of lease cases as well as non-payment of rent cases.

This Order shall become effective immediately and shall remain in effect through October 31, 2021.

BY THE COURT:

, P.J.  
Kim Berkeley Clark  
President Judge

EXHIBIT A