

IN THE SUPREME COURT OF PENNSYLVANIA

Docket No. 21 EM 2020

In Re: First Judicial District of Pennsylvania – Philadelphia Municipal Court’s Request Pursuant to Pa.R.J.A. 1952(B)(2)(s) to Temporarily Authorize Continuation of the Philadelphia Municipal Court Landlord-Tenant Diversion Program

Patrick F. Dugan, President Judge of the Philadelphia Municipal Court, hereby requests the Supreme Court to temporarily authorize the continuation of the *Philadelphia Municipal Court Landlord-Tenant Diversion Program*, pursuant to Pa.R.J.A. 1952(B)(2)(s), and represents as follows:

1. In furtherance of, and consistent with, the Judicial Emergency declared by the Pennsylvania Supreme Court and by the First Judicial District of Pennsylvania (see Administrative Order No. 9 of 2020, attached), the undersigned issued an Order on April 1, 2021 which required Landlords seeking possession based on non-payment of rent to file with the City of Philadelphia for Diversion/Rental Assistance, and to wait 45 days before filing a Statement of Claim against tenants (see Administrative Order Amended No. 15 of 2021, attached).
 - a. This pre-filing diversion program has been successful and has facilitated judicial management of landlord tenant cases.
 - b. The City of Philadelphia has received more than 33,000 applications for rental assistance and approximately 25,000 applications are pending review at this time, and \$100,000,000 of federal funds for rental assistance remain available.
2. There are currently more than two thousand *Alias Writs of Possession* (lockouts/evictions) issued by the Court in pending cases and more than 900 *Alias Writs of Possession* (lockouts/evictions) which are imminently to be served upon cessation of any applicable moratoria.
3. It is anticipated that the Court will be overwhelmed with filing of eviction cases based on non-payment of rent and that the continuation of the Philadelphia Municipal Court Diversion Program will enable the Court to manage the backlog of evictions and the anticipated filing of claims for possession based on non-payment of rent while both landlords and tenants seek to utilize the available funding as noted above.

Therefore, the undersigned respectfully request that this Court authorize the Philadelphia Municipal Court to require that a landlord first file an application with the PHL Rent Assist Program through www.phlrentassist.org and then wait 45 days before filing a Landlord-Tenant Complaint seeking possession based on non-payment of rent. Such authorization and extension of the *Philadelphia Municipal Court Landlord-Tenant Diversion Program* shall terminate on August 31, 2021.

Date: 6/30/2021

/s/ Patrick F. Dugan

Honorable Patrick F. Dugan
President Judge, Philadelphia Municipal Court
First Judicial District of Pennsylvania

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
ADMINISTRATIVE GOVERNING BOARD
OF THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

No 9 of 2020

In re: DECLARATION JUDICIAL EMERGENCY

ORDER

AND NOW, this 17 day March, 2020, pursuant to the authority granted by the Supreme Court, by Order of March 16, 2020 at No. 531 Judicial Administration Docket (attached), the undersigned DECLARES a judicial emergency in the First Judicial District of Pennsylvania for the following period: March 17, 2020 to April 1, 2020.

The specific actions taken pursuant to Pennsylvania Rule 1952(B)(2) shall be set forth in subsequent Orders. Additionally, the operation of Rule of Criminal Procedure 600 shall be suspended in the First Judicial District during the period of the local judicial emergency.

BY THE COURT:

/s/ Idee C. Fox

**Idee C. Fox, President Judge
Chair, Administrative Governing Board
First Judicial District of Pennsylvania
President Judge, Court of Common Pleas,
Philadelphia County**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT
President Judge Administrative Order**

Amended No. 15 of 2021

**In re: Residential Eviction Moratorium and Exceptions. Service of Writs and
Alias Writs of Possession**

AMENDED ORDER

AND NOW, this 1st day of April, 2021, the within Order is amended to read as follows:

upon consideration of:

- (a) the continuing global pandemic affecting the gathering of people, requiring social distancing, and preventing the listing of Landlord/Tenant cases in large numbers;
- (b) the Order dated March 28, 2021 issued by Rochelle P. Walensky, Director of the Centers for Disease Control and Prevention extending the eviction moratorium through June 30, 2021;
- (c) the Eviction Diversion Program being conducted by the City of Philadelphia which has saved the court's resources, prevented negative consequences of eviction during a pandemic, and benefited landlords and tenants in coming to agreements in lieu of lawsuits;
- (d) the continuing declaration of Judicial Emergency in the First Judicial District, and the emergency powers provided under Pa.R.J.A. 1952(B) to order the diversion of cases through alternative dispute resolution programs for health and safety reasons accomplished both by reducing the congregation of litigants in the courthouse as well as by avoiding evictions through agreements facilitated by such eviction diversion programs;
- (e) the approximate one hundred million dollars (~\$100,000,000.00) in rental assistance funds that have been made available to the City of Philadelphia which may be accessed through the eviction diversion program; and
- (e) the Landlord Tenant Act which requires cases to be heard within 21 days, but as of the date of this order, due to the global pandemic, Landlord/Tenant trials are now being scheduled over ninety (90) days out, then,

it is hereby ORDERED and DECREED that:

- (1) As of April 1, 2021, no landlord may file a Landlord Tenant Complaint seeking possession based on non-payment of rent owed prior to the date of filing until 45 days after they have first completed an application with the PHL Rent Assist Program through www.phlrentassist.org. Upon completing the application, the landlord will be automatically enrolled in the Eviction Diversion Program as well. The PHL Rent Assist Hotline is (215) 320-7880. It will be a dispositive affirmative defense for any tenant to show that the landlord did not pursue either rental assistance or eviction diversion through the City of Philadelphia Program timely or in good faith.
- (2) As of the date of this order, Plaintiff Landlords may only request the Landlord Tenant Officer to serve outstanding *writs of possession* that have not yet been served, other than those provided in Section (5) below. Provided, however, that the Landlord Tenant Officer shall insert “May 16, 2021” as the date the Named Defendant, Tenants and Occupants are to vacate the premises (“ You are hereby to vacate premises ... no later than _____.”) on the writ of possession Cover Sheet. The intent of this order is to permit the service of the first of the two writs required for a Plaintiff Landlord to seek possession, in anticipation of the resumption of lockouts after June 30, 2021 or at some other point in the future when conditions permit.
- (3) No *alias writs of possession* issued by the Philadelphia Municipal Court shall be served in any residential case (i.e., no residential evictions) until after May 16, 2021, except upon order of court previously entered or upon good cause shown as provided in this order.
- (4) In residential cases, Plaintiff Landlords who have not already obtained an exemption who have obtained a judgement of possession may seek leave of court to be exempted from the eviction moratorium by filing a petition, supported by exhibit(s) and sworn affidavits or declarations subject to the penalty of perjury, establishing good cause to serve a writ of possession or an alias writ of possession, pursuant to any of the following bases:
 - (a) Good faith belief based on first-hand knowledge that the tenant has already vacated the unit/property.
 - (b) Breach of the lease terms, such as alleged criminal conduct or damage to the property, served as the basis for the Judgement of Possession. Habitual non-payment, late payment of rent or non-payment of utilities shall not be good cause under this order. Plaintiff Landlords should demonstrate a material breach in support of their petition.
 - (c) Landlords owning no more than five (5) rental units, either individually or through separate entities, who are in severe financial distress, supported by filed documentary evidence (i.e., not solely testimonial evidence) of such distress.

- (d) Other compelling basis not specifically enumerated above, which shall be strictly scrutinized to ensure that the negative effects of a residential eviction during the pandemic are mitigated to the satisfaction of the Court.
- (5) Notwithstanding the relief available as provided in Section (4) above, Plaintiff Landlords are not entitled to request leave of court for permission to serve writs of possession or alias writs of possession if the eviction is otherwise prohibited by law, such as provided in the September 1, 2020 Order issued by the Centers for Disease Control and Prevention, as extended through June 30, 2021.
- (6) Calculation of the six-month period set forth in Rule 126(e) (“[a]n alias writ of possession may not be issued after six months from the date of the judgment for possession without leave of court”) and the 180-day period for serving alias writs of possession (the practice of the Philadelphia Municipal Court is to serve the alias writ of possession within 180 days from the entry of a judgment for possession), shall exclude the time from March 16, 2020 through and including May 16, 2021, from the computation of those time periods. Landlords may file petitions to extend this 180 day period.
- (7) The Court will be closely monitoring the implementation and impact of the provisions of this order and the conditions surrounding the pandemic to determine the necessity of continuing, modifying or terminating any or all of the terms of this order.
- (8) This Order supersedes conflicting provisions contained in any prior Administrative Order.

BY THE COURT:

/s/ Patrick F. Dugan

**Patrick F. Dugan, President Judge
Philadelphia Municipal Court**