

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION**

Administrative Docket

No. 56 of 2020

In re: Residential Eviction Moratorium

ORDER

AND NOW, this 17th day of September, 2020, pursuant to Pa.R.J.A. No 1952 (B)(2), the Judicial Emergency declared by the First Judicial District, and upon consideration of the Order from Centers for Disease Control and Prevention (“CDC”) dated September 1, 2020 regarding temporarily halting certain residential evictions beginning September 4, 2020 through December 31, 2020 to prevent further spread of COVID-19, it is hereby **ORDERED and DECREED** that as to cases filed in the Trial Division of the Court of Common Pleas:

- (1) The CDC Order¹ halts evictions of tenants, lessees, and residents of a residential property (collectively “tenants”) who complete a Declaration for the Temporary Halt in Evictions to Prevent Further Spread of Covid-19 (“Declaration”) and give the completed Declaration to their landlord². Tenants who complete and provide an executed Declaration are still generally required to pay rent and must follow all of the other terms of their lease. Tenants may still be evicted for reasons other than not paying rent or making a housing payment. Landlord’s obligations under the lease continue as well.
- (2) The CDC Declaration form is available at: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>, and is attached to this Order. The Declaration contains the following general statements: that tenants (1) have made best efforts to obtain government assistance for rent, (2) meet certain income requirements, (3) are unable to pay the full rent due to loss of household income or work, (4) have made best efforts to make timely partial payments that are as close to full payment as circumstances permit, and (5) would likely be homeless or forced to move into close-quarters housing if evicted.
- (3) After the Declaration is completed and signed, tenants must give or send the Declaration to their landlord by email, regular mail, fax or in person. An Affidavit of Service may be required from the tenant establishing how service of the Declaration on the landlord was accomplished.
- (4) Ejectment actions (which include landlord-tenant actions) will be accepted for filing by the Office of Judicial Records pursuant to the applicable statutes and rules governing those actions subject to the restrictions in the CDC Order and this Order. However, the Plaintiff

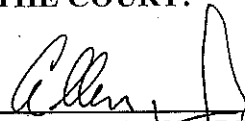
¹ <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>

² The “Landlord” definition includes the owner of the residential property where they live, or other person who has a right to have them evicted or removed from where they live.

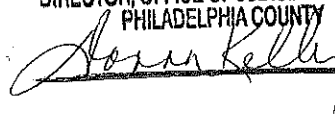
must include a "Plaintiff's Affidavit in Connection with The CDC Order and Temporary Halt in Evictions to Prevent further Spread of Covid-19" ("Affidavit"), as attached, stating whether or not they have received a Declaration from the tenant as required by the CDC Order and whether the action is subject to the CDC stay or not. If the landlord acknowledges receipt of the Declaration but disputes tenant's compliance with the CDC Order or entitlement to the CDC stay, the action will be accepted for filing, and will nonetheless be stayed unless the landlord files a motion to determine the tenant's eligibility for the stay based on the CDC requirements and obtains an order of Court lifting the stay. The Office of Judicial Records shall reject the filing if the Affidavit is not attached.

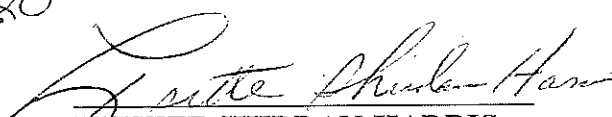
- (5) In pending Landlord-Tenant appeals and Ejectment actions, no judgments of possession will be entered, or writs of possession will be issued, or supersedeas terminated unless the landlord files a motion representing that the landlord did not receive the Declaration from the tenant or that the tenant is not entitled to the CDC stay and obtains an order from the Court for the relief requested.
- (6) Any person violating the CDC Order is subject to criminal prosecution, which may result in incarceration and the imposition of fines.

BY THE COURT:



JACQUELINE F. ALLEN
Administrative Judge
Trial Division

CERTIFIED FROM THE RECORD OF 9-17-2020
ERIC FEDER
DIRECTOR, OFFICE OF JUDICIAL RECORDS
PHILADELPHIA COUNTY




LISETTE SHIRDAN-HARRIS
Supervising Judge
Trial Division - Civil Section

**DECLARATION UNDER PENALTY OF PERJURY FOR
THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S TEMPORARY
HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19**

This declaration is for tenants, lessees, or residents of residential properties who are covered by the CDC's order temporarily halting residential evictions (not including foreclosures on home mortgages) to prevent the further spread of COVID-19. Under the CDC's order you must provide a copy of this declaration to your landlord, owner of the residential property where you live, or other person who has a right to have you evicted or removed from where you live. Each adult listed on the lease, rental agreement, or housing contract should complete this declaration. Unless the CDC order is extended, changed, or ended, the order prevents you from being evicted or removed from where you are living through December 31, 2020. You are still required to pay rent and follow all the other terms of your lease and rules of the place where you live. You may also still be evicted for reasons other than not paying rent or making a housing payment. This declaration is sworn testimony, meaning that you can be prosecuted, go to jail, or pay a fine if you lie, mislead, or omit important information.

I certify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing are true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing;¹
- I either expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary² out-of-pocket medical expenses;
- I am using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses;

¹ "Available government assistance" means any governmental rental or housing payment benefits available to the individual or any household member.

² An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year.

- If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options.³
- I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.
- I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to state and local laws.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

Signature of Declarant

Date

³ “Available housing” means any available, unoccupied residential property, or other space for occupancy in any seasonal or temporary housing, that would not violate federal, state, or local occupancy standards and that would not result in an overall increase of housing cost to you.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
Court of Common Pleas of Philadelphia County
Trial Division

	:	TERM, 20
vs.	:	
	:	
	:	
	:	
	:	No.

PLAINTIFF’S AFFIDAVIT IN CONNECTION WITH THE CDC ORDER AND TEMPORARY HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19

This Affidavit is being filed in connection with the Centers for Disease Control and Prevention (“CDC”) Order issued on September 1, 2020, and will be used by the Court to determine whether this action will be stayed until December 31, 2020 pursuant to the CDC Order, or will proceed as provided by rules of Court.

I represent as follows:
(Check One)

- This action is solely for failure to pay rent. I have received the CDC Declaration from the Tenant/Defendant. I understand that further proceedings will be stayed until 12/31/20.
- This action is solely for failure to pay rent. I have not received a Declaration from the Tenant/Defendant. I understand that the CDC stay will not be issued and that the case will proceed as provided by rules of Court.
- This action is solely for failure to pay rent. I have received the CDC Declaration from the Tenant/Defendant, but I dispute the Tenant’s entitlement to the stay because the Tenant does not meet the CDC requirements. However, I understand that this action will be stayed unless I file a motion setting forth why the Tenant does not meet the CDC requirements and obtain an order of Court lifting the stay.
- This action is for failure to pay rent and for breach(es) of condition(s) of the lease or other reasons. I understand that this case is not stayed and that it proceeds to breach(es) of the lease or other reasons.
- This action is not subject to the stay required by the September 1, 2020 CDC Order due to the following reason(s): _____

I understand that this case will proceed as provided by rules of court.

I, being duly sworn according to law, depose and say that I am the Plaintiff/Plaintiff’s Attorney in this action and that the facts and statements I have are true and correct to the best of my knowledge, information and belief.

I verify that the statements made are true and correct. I understand that any false statements I have made in this *Motion* are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: _____

NAME OF PLAINTIFF/PLAINTIFF’S ATTORNEY