

IN RE: CDC ORDER

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DAUPHIN COUNTY, PENNSYLVANIA

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

: NO: 2020-CV-00178-AO

: AO: AO-30-2020

**AMENDED ADMINISTRATIVE ORDER**

AND NOW, THIS 8<sup>th</sup> day of September, 2020, the implementation of the Centers for Disease Control and Prevention (CDC) Order (effective September 4, 2020) temporarily halting residential evictions **solely for the non-payment of rent** to prevent the further spread of COVID-19 shall be as follows:

1. Landlords retain the right to file Landlord/Tenant complaints for residential non-payment of rent or failure to pay rent in a timely manner in accordance with Pa.R.C.P.M.D.J. 503.
2. Hearings for the filing of Landlord and Tenant Complaints for non-payment of rent and/or failure to pay rent shall be conducted as required by the Pennsylvania Rules Of Civil Procedure Governing Actions For The Recovery Of Possession of Real Property, specifically Pa.R.C.P.M.D.J. 501 et al.
3. At the conclusion of the landlord/tenant hearing or within three days thereafter, the Magisterial District Judge shall enter judgment in accordance with Pa.R.C.P.M.D.J. 514.
4. A Landlord is **prohibited** from filing a Request for Order for Possession under Pa.R.C.P.M.D.J. 515 to commence the process of eviction, or is prohibited from continuing the process of eviction after a Request for Order for Possession has been

filed, if each of the adults who are listed on the written lease agreement or housing contract provides the landlord with a completed "Declaration for Centers for Disease Control and Prevention's Temporary Halt in Evictions to Prevent Further Spread of COVID-19 form" (**Declaration**) which is found at

<http://www.pacourts.us/assets/files/setting-901/file-9976.pdf?cb=fdaeb3>.

5. Before a Request for Order for Possession under Pa.R.C.P.M.D.J. 515 can be granted, and before an actual eviction may take place after an Order for Possession has been granted, the Landlord shall file an affidavit with the Magisterial District Court stating that the Tenant(s) have **NOT** provided the Landlord with a Declaration as stated in Paragraph 4.

6. It is not the responsibility of the Constable, the staff of the Magisterial District Court or Magisterial District Judge to interpret the veracity or the truthfulness of the Declaration. If the Landlord believes that the information and statements contained in the Declaration are inaccurate or false, the Landlord has the option to contact the US Attorney's Office for possible perjury prosecution pursuant to 28 U.S.C. §1746.

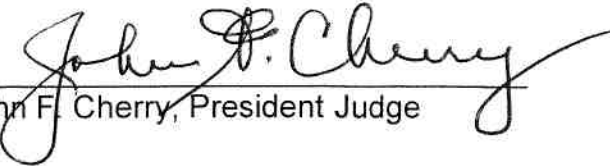
7. This prohibition against evictions as provided in Paragraph 4 above remains in effect through December 31, 2020 and pertains only to the **non-payment of rent in residential lease agreements**.

8. All Landlord/Tenant actions for reasons other than the non-payment of rent in residential lease agreements may proceed as normal in accordance with the Pennsylvania Rules of Civil Procedure Governing Actions for the Recovery of Possession of Real Property.

9. This Administrative Order shall be posted at all Magisterial District Judges' Offices.

10. This Amended Order replaces the order entered on September 4, 2020.

BY THE COURT:

  
John F. Cherry, President Judge

DISTRIBUTION:

President Judge John F. Cherry  
Judge Richard A. Lewis  
Judge Scott A. Evans  
Judge Deborah E. Curcillo  
Judge Andrew H. Dowling  
Judge William T. Tully  
Judge Edward M. Marsico, Jr.  
Judge John Joseph McNally  
Judge Royce L. Morris  
Magisterial District Judge Hanif Johnson  
Magisterial District Judge Gregory Johnson  
Magisterial District Judge David Judy  
Magisterial District Judge James Lenker  
Magisterial District Judge Kenneth Lenker  
Magisterial District Judge Joseph Lindsey  
Magisterial District Judge Rebecca Margerum  
Magisterial District Judge Sonya McKnight  
Magisterial District Judge David O'Leary  
Magisterial District Judge Barbara Pianka  
Magisterial District Judge Dominic Pelino  
Magisterial District Judge Michael Smith  
Magisterial District Judge William Wenner  
Magisterial District Judge Paul Zozos  
Magisterial District Judge Office Managers  
District Attorney Fran Chardo  
Chief Public Defender Mary Klatt  
US Attorney David Freed  
Deborah Freeman, District Court Administrator

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Troy Petery, Deputy Court Administrator-MDJ  
Dauphin County Bar Association