IN RE: CDC ORDER

: IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO: 2020-CV-00178-AO
:
: AO: AO-29-2020
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:

ADMINISTRATIVE ORDER

AND NOW, THIS ___4th___ 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 of Possession under

Pa.R.C.P.M.D.J. 515 to commence the process of eviction 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 of Possession under Pa.R.C.P.M.D.J. 515 can be 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.

BY THE COURT:

John F. Cherry

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

SEP 04 2020

I hereby certify that the foregoing is a
true and correct copy of the original
filed.

Matthew R. Krupp

Prothonotary