COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
STAYING NOTICE REQUIREMENTS FOR SPECIFIED ACTIONS
RELATED TO THE DISPOSSESSION OF PROPERTY

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, because of the continued daily threat posed by COVID-19 and the need to maintain extraordinary efforts to combat and mitigate the effects of the virus, I renewed the Proclamation of Disaster Emergency on June 3, 2020; and

WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and

WHEREAS, in addition to general powers, during a disaster emergency I am authorized specifically to control ingress and egress to and from a disaster area and the movement of persons within it and the occupancy of premises therein. 35 Pa. C.S. § 7301(f); and

WHEREAS, I am authorized to issue regulations to temporarily suspend or modify for a period not to exceed 60 days any public health, safety, zoning, transportation (within or across this Commonwealth) or other requirement of statute or regulation within this Commonwealth for which I deem the suspension or modification essential to provide temporary housing for disaster victims. 35 Pa. C.S. § 7302(a); and

WHEREAS, on May 7, 2020, I issued an order staying the notice requirements of certain actions related to the dispossession of property through July 10, 2020, and that order was subsequently amended to apply only to matters involving the nonpayment of monies as well as to those proceedings related to removal of any tenant solely because the tenant has held over or exceeded the term of a lease; and

WHEREAS, the unnecessary movement and/or displacement of individuals residing in Pennsylvania from their homes or residences during the current stage of the disaster emergency continues to constitute a public health danger to the Commonwealth in the form of unnecessary movement that increases the risk of community spread of COVID-19; and

WHEREAS, certain filings, charges and acts relating to the dispossession of property remain subject to temporary restraints on account of other directives, including provisions of the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act, P.L. 116-136; see also 15 U.S.C. § 9058), or Orders issued by local courts extending court closures and other moratoriums on proceedings such as:

- ***On June 18, 2020, the U.S. Department of Veterans Affairs (VA) in Circular 26-20-23 (dated June 17, 2020) extended the foreclosure moratorium for properties secured by VA guaranteed loans from June 30, 2020 to August 31, 2020;***
- ***The Federal Housing Finance Agency (FHFA) announced that Fannie Mae and Freddie Mac will extend their single-family moratorium on foreclosures and evictions until at least August 31, 2020;***
- ***On June 17, 2020, the U.S. Department of Housing and Urban Development (HUD) extended the foreclosure and eviction moratorium for Federal Housing Authority (FHA) insured single-family loans until August 31, 2020;***

- *The U.S. Department of Agriculture (USDA) extended the foreclosure and eviction moratorium for all Single Family Housing Direct Home Loans until August 31, 2020;*
- *Orders issued by local courts (e.g., Order No. 46 of 2020 of the First Judicial District of Pennsylvania, President Judge Administrative Order, In re: Appeals to Common Pleas from Municipal Court Judgements of Possession of Real Property Pursuant to a Lease which directs that "appeals from Municipal Court judgments of possession of real property pursuant to a lease filed before March 16, 2020, due to the limitations of in-person filings, the deposit of rent required by Philadelphia Civil Rule *1008 in order to maintain the supersedeas pending disposition of the appeal" is stayed until September 8, 2020, or until further Order of the Court."); and*

WHEREAS, the Federal Coronavirus Aid, Relief and Economic Security (CARES) Act, passed in March, provided $3.9 billion for Pennsylvania and is intended to help people hurt economically during the pandemic. In late May, the General Assembly passed Act 24 of 2020 and directed $175 million of these CARES dollars to the Pennsylvania Housing Finance Agency (PHFA) to provide assistance for struggling renters and homeowners. The portion for rent assistance is at least $150 million, and $25 million was set aside for mortgage assistance. PHFA developed programs for distributing this financial assistance to people in need and began accepting completed applications for both rental and mortgage assistance on July 6; and

WHEREAS, the CARES Act and other existing federal laws and rules involving consumer protections related to single-family mortgages and certain multifamily dwellings have been modified or extended for various additional periods in a piecemeal fashion and have created confusion and uncertainty for the residents of the Commonwealth as to who has eviction and foreclosure protections related to COVID-19 remediation; and

WHEREAS, Pennsylvania law, including the Loan Interest and Protection Law, 41 P.S. §101 et. seq. (Act 6) and the Homeowners Emergency Assistance Act, 35 P.S. § 1680.41 et. seq. (Act 91), requires that notice be provided to debtors for each and every foreclosure action that is initiated; and

WHEREAS, the Landlord and Tenant Act of 1951, 68 P.S. §250.101 et. seq., and the Manufactured Home Community Rights Act, 68 P.S. §398.1 et. seq., require that notice be provided to tenants and/or lessees when a landlord or manufactured home community owner intends to evict the tenant and/or lessee for nonpayment of rent; and

WHEREAS, the displacement of individuals residing in Pennsylvania from their homes or residences during the current stage of the disaster emergency constitutes a public health danger to the Commonwealth; and

WHEREAS, the Commonwealth has sought to support the housing market and provide funding to landlords and tenants impacted by the COVID emergency with the enactment of Act 24 of 2020 (Act 24), but the disbursement of those funds will take some time and a stay of foreclosures and evictions will help stabilize and protect individuals until those funds can be utilized; and

WHEREAS, there is a need to provide limited protections from dispossession of property to those individuals who are eligible for and awaiting assistance under Act 24; and

WHEREAS, Pennsylvania has seen a recent uptick of positive COVID-19 cases in the Commonwealth and many other states have experienced a much greater resurgence of COVID-19 during their respective reopening processes; and

WHEREAS, the Commonwealth must continue to implement measures to mitigate the risk of community-spread of COVID-19 including implementing measures to prevent unnecessary movement and/or displacement of individuals residing in Pennsylvania; and

WHEREAS, as of July 8, 2020, the Commonwealth of Pennsylvania has 92,148 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 6,812 deaths from the virus;

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

Section 1: Notice Requirements of Act 6 and 91 Suspended

Commencing on July 10, 2020, the notice requirements mandated by Act 6 and Act 91 are stayed until August 31, 2020, thereby tolling the ability to commence the timelines and necessary Act 6 and Act 91 compliance that must be satisfied prior to the initiation of foreclosure actions. All foreclosures

requiring compliance with Act 6 and Act 91 cannot commence until August 31, 2020. All foreclosure timelines must be computed with a start date of August 31, 2020, at which point any previously delivered Act 6 and Act 91 notices will be deemed delivered and any foreclosure process may commence. The foreclosure actions requiring Act 6 and 91 compliance may proceed from that point forward in the normal course of action.

Section 2: Notice Requirements of the Landlord and Tenant Act and other Acts Suspended

Commencing on July 10, the notice requirements mandated by the Landlord and Tenant Act of 1951 and the Manufactured Home Community Rights Act are stayed until August 31, 2020, thereby tolling the ability to commence the timelines necessary for the initiation of residential eviction proceedings. All residential eviction proceedings requiring compliance with the Landlord and Tenant Act of 1951 and the Manufactured Home Community Rights Act cannot commence until August 31, 2020. All eviction timelines must be computed with a start date of August 31, 2020, at which point any previously delivered Landlord and Tenant Act of 1951 and Manufactured Home Community Rights Act notices will be deemed delivered and any eviction proceedings may commence. The eviction proceedings requiring compliance with the Landlord and Tenant Act of 1951 and the Manufactured Home Community Rights Act may proceed from that point forward in the normal course of action.

Section 3: Effective Date and Duration

This order is effective immediately and will remain in effect until August 31, 2020.

Section 4: Scope of Order

The provisions of this Order and the suspension of the Acts under this Order apply only to matters involving the nonpayment of monies as well as to those proceedings related to removal of any tenant solely because the tenant has held over or exceeded the term of a lease. The Order does not apply to suspend notice requirements relating to evictions for breaches of any other covenants.

This Order does not treat nonpayment of monies during this period as forgiven and individuals are still responsible for any rent or monies owed under the terms of the mortgage or lease agreement.

Further, the provisions of this Order do not apply to: the federally-backed loans for which the moratorium on foreclosures and evictions has been extended until August 31, 2020, by the VA, USDA, FHA, and FHFA, as stated above; to individuals who are situated in counties where the Courts are closed or have issued orders staying evictions or foreclosures through or after August 31, 2020; or to lenders or property owners who have agreed to participate in CARES Act relief available through Act 24 of 2020 administered by the PHFA as described above.

This Order suspends eviction and foreclosure notice periods for homeowners and renters when the respective lender or property owner has not agreed to participate in the CARES Act relief available through Act 24 of 2020 administered by the PHFA as described above by August 31, 2020.

GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this ninth day of July two thousand twenty, the year of the commonwealth the two hundred and forty-fifth.

Tom Wolf

TOM WOLF
Governor