

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

No. 65 of 2020

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

ORDER

AND NOW, this 6th day of November, 2020, pursuant to Pa.R.J.A. No. 1952(B)(2) and in light of the September 1, 2020 Order of the Centers for Disease Control and Prevention (CDC Order), it is hereby ORDERED AND DECREED THAT:

- (1) No writs of possession nor alias writs of possession previously issued by the Philadelphia Municipal Court shall be served in any residential case (i.e., no residential evictions) until after December 31, 2020, except upon order of court upon good cause shown as provided in this order.
- (2) In residential cases, Plaintiff Landlords who have obtained a judgement of possession may seek leave of court to be exempted from the moratorium imposed by Section (1) above 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. Landlords must demonstrate a material breach in support of their petition.
 - (c) 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.
- (3) Notwithstanding the relief available as provided in Section (2) 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.
- (4) 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 December 31, 2020 from the computation of those time periods.

- (5) 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**