

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT**

President Judge Administrative Order

No. 42 of 2021

**Philadelphia Municipal Court Landlord Tenant Diversion Program
Service of Writs of Possession - Completed Rental Assistance Applications**

ORDER

AND NOW, this 24th day of November, 2021, in furtherance of the authority granted to the undersigned by the Supreme Court in continuing the *Philadelphia Municipal Court Landlord Tenant Diversion Program*, subject to the continued adequate funding of the Emergency Rental Assistance Program, and in order to clearly provide the timelines for service of writs of possession due to the status of Rental Applications filed with the City of Philadelphia's Diversion/Rental Assistance Program, it is hereby **ORDERED** and **DECREED** that effective December 1, 2021 no Alias Writ of Possession previously issued by the Philadelphia Municipal Court shall be served (i.e., no lockout shall occur) in any matter where a Rental Assistance Application has been marked "Complete" by the City of Philadelphia, further provided that:

1. the matter was marked complete on or after September 1, 2021. Matters marked complete prior to September 1, 2021 are eligible for service of an Alias Writ (i.e., lockout); and
2. the initial application was made on or after July 1, 2021. Matters marked complete which were initiated prior to July 1, 2021 are eligible for service of an Alias Writ (i.e., lockout); and
3. the basis for the Judgment of possession was other than "termination of term" or "breach of the lease terms," that is, for non-payment of rent. The intention of this subparagraph is to make it clear that even if a matter is marked "complete" a landlord may proceed with a lockout if the basis for possession was "termination of term" or "breach of the lease terms," or both.

As of December 1, 2021, the term "Complete" shall mean that no further documentation is necessary for a determination of eligibility for rental assistance. "Complete" shall include paid applications, where the landlord received payment and it is within 90 days of the payment for which the monthly rent is attributable. "Complete" shall include approved applications where PHDC has approved the application and the payment is pending.

IT IS FURTHER ORDERED that in any case where a Writ of Possession has been served prior to May 1, 2021, no Alias Writ of Possession shall be served unless and until a Writ of Possession is re-served upon the defendant.

It is further **ORDERED** and **DECREED** that if more than 90 days passes after receipt of such funds by the Landlord, then this prohibition shall lapse and the Alias Writ of Possession (i.e., lockout) may be served.

BY THE COURT:

/s/ Patrick F. Dugan

**Patrick F. Dugan, President Judge
Philadelphia Municipal Court**