

# **DEAR VALUED CLIENT:**

RAS previously circulated alerts concerning the Pennsylvania Governor Wolf's Order which prohibited the commencement of

any foreclosure action through July 10, 2020 only when either Act 6 or Act 91 apply. Governor Wolf issued the attached Order dated today which extends the July 10, 2020 moratorium on Act 6/91 applicable cases to August 31, 2020. This is in line with the GSE moratoria on non-vacant properties, which also is set to expire on August 31, 2020.

As previously supplied via alert(s), both Philadelphia and Allegheny Counties which make up approximately 25% of Pennsylvania's population, have not been accepting any mortgage foreclosure complaints, regardless of whether a property has been deemed vacant. Most of our clients have continued to refer the firm files which are vacant and the firm has been successful in filing those actions and prosecuting same in the other Pennsylvania counties. The Governor's Order of today specifically provides that "[t]he provisions of this Order and the suspension of the Acts under this Order apply only to matters involving the nonpayment of money...." Emphasis supplied. Thus, we intend to revisit the decision of Allegheny and Philadelphia Counties in the hopes of convincing them to accept foreclosure Complaints on vacant properties, at a minimum, while the Governor's Order is in effect.

The question from our clients has routinely been: How can we proceed with Pennsylvania foreclosures? Below is our roadmap to proceed in Pennsylvania on files outside of Philadelphia and Allegheny Counties, for the time being, and which are not subject to a federal/GSE moratorium until August 31, 2020, as of today, July 9 2020:

- All pending [Complaint has been filed] foreclosure and ejectment actions may proceed through judgment and to schedule sale, county-depending (many counties have resumed sheriff sales).
- Any referral which is not Act 6 or 91 eligible may immediately proceed to first legal if a mortgage-compliant demand and acceleration notice was supplied to all mortgagors.
- Any property which is vacant and abandoned may immediately proceed to first legal if a mortgage-compliant demand and acceleration notice was supplied to all mortgagors.

The firm is willing to review each and every file with you that is not on a GSE/federal hold even before referral to determine which, if any, notice is required and whether a foreclosure action may proceed in Pennsylvania. The firm is generally not issuing Act 6 or 91 letters until August 31, 2020 and advises its clients also not to issue Act 6 or 91 notices until August 31, 2020. This is because, pursuant to the terms of the Governor's Order, any Act 6/91 letter sent while the Governor's Order is in effect will be deemed as though it were sent on August 31, 2020. For example, on an Act 6 letter sent on May 28, 2020, the 30-day notice to cure period would not begin to run until August 31, 2020. In other words, for this example, a foreclosure Complaint would not be permitted to be filed until 30 days from August 31, 2020, or October 1, 2020, at the earliest.

We understand that many clients utilize Act 6/91 forms even when those statutes do not apply. Instead of placing an overly broad hold on all Pennsylvania files out of convenience, we urge you to reach out to RAS to discuss how we may assist you to identify which files can move during this difficult time and free of this complex framework.

Thank you.

David Neeren, Esquire General Counsel RAS Citron, LLC 133 Gaither Drive, Suite F Mt. Laurel, NJ 08054 Phone: 855-225-6906 Ext. 1304 Fax: 866-381-9549 Email: dneeren@rasnj.com



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 inperson 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 Governor



COMMONWEALTH OF PENNSYLVANIA OFFICE OF THE GOVERNOR

# ORDER OF THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA FOR STAYING THE NOTICE REQUIREMENTS FOR CERTAIN 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, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania and its residents that result from disasters. 35 Pa. C.S. § 7301(a); 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, in addition to my authority, my Secretary of Health has the authority to determine and employ the most efficient and practical means for the prevention and suppression of disease. 71 P.S. § 532(a), 71 P.S. § 1403(a); and

WHEREAS, these means include isolation, quarantine, and any other control measure needed. 35 P.S. § 521.5; and

WHEREAS, I previously issued an Order directing "Individuals to Stay at Home" on April 1, 2020, as subsequently amended; and

WHEREAS, the Supreme Court of Pennsylvania issued Orders that acted to prevent the Judiciary from effectuating an eviction, ejectment or other displacement from a residence based upon a failure to make a monetary payment, but this statewide judicial suspension of procedures related to the dispossession of property extends only until May 11, 2020; 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 (e.g., Order No. 31 of 2020 of the First Judicial District of Pennsylvania, Administrative Governing Board of the First Judicial District of Pennsylvania, In re: Continuation of Judicial Emergency which directs that "The issuance of residential writs of possession, and the execution or enforcement of residential writs of possession issued by the Court of Common Pleas Office of Judicial Records before this date, remain STAYED until June 1, 2020 or until further order of court. Relief from the stay provided by this Order may be sought by filing an Emergency Petition setting forth the reason(s) for such relief."); and

WHEREAS, the CARES Act and other existing federal law and rules involving consumer protections related to single-family mortgages and certain multifamily dwellings creates 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, 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 Act 91 mandates that a mortgagor have a face-to-face meeting with a consumer credit counseling agency to attempt to resolve the delinquency or default by restructuring the loan payment schedule or otherwise and face-to-face meetings create a public health danger; 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 movement and/or 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 in the form of unnecessary movement that increases the risk of community spread of COVID-19; and

WHEREAS, as of May 7, 2020, the Commonwealth of Pennsylvania has 52,915 persons who have tested positive or meet the requirements as probable cases for COVID-19 in all sixty-seven counties and reports 3,416 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:

Commencing on May 11, 2020, the notice requirements mandated by Act 6 and Act 91 are stayed for 60 days, 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 for 60 days until July 10, 2020. All foreclosure timelines must be computed with a start date of July 10, 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:

Commencing on May 11, 2020, the notice requirements mandated by the Landlord and Tenant Act of 1951 and the Manufactured Home Community Rights Act are stayed for 60 days, thereby tolling the ability to commence the timelines necessary for the initiation of eviction proceedings. All eviction proceedings requiring compliance with the Landlord and Tenant Act of 1951 and the Manufactured Home Community Rights Act cannot commence for 60 days until July 10, 2020. All eviction timelines must be computed with a start date of July 10, 2020, at previously delivered Landlord which point any 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 July 10, 2020.



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

1 an

TOM WOLF Governor

### FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

## President Judge Administrative Order

#### No 33 of 2020

### In re: Resumption of Court Proceedings. Critical Functions. Updated Protocols.

### <u>ORDER</u>

AND NOW, this 15th day of May, 2020 consistent with the terms of the Pennsylvania Supreme Court's order of April 28, 2020 (Nos. 531 and 532 Judicial Administration Docket), it is **ORDERED AND DECREED THAT:** 

- (1) Civil and Criminal Jury Trials are suspended through September 8, 2020. Jury duty is cancelled through September 8, 2020. Jurors summoned before September 8, 2020 do not need to report for jury duty.
- (2) City of Philadelphia L&I and Lead Contamination Violation cases, Landlord Tenant Appeals, and PennDOT Appeals listed in Courtroom 446 City Hall are postponed. Those cases listed from March 16, 2020 through September 7, 2020 will be rescheduled.
- (3) Unless counsel are notified specifically to the contrary, all in person criminal, civil, orphans' court, municipal court and traffic court trials, hearings, and conferences scheduled through July 6, 2020 are administratively canceled and shall be rescheduled. Cases may be scheduled using Advanced Communication Technology for dates certain. Parties shall receive notification of their rescheduled hearing date(s). If you are a party or a witness, and before March 16, 2020 received subpoenas, summons and/or notice to appear during the month of June 2020 at City Hall, the Juanita Kidd Stout Center for Criminal Justice, Municipal Court, the Widener Building and Traffic Division, you are NOT required to appear during the month of June2020.

As to Family Court, all matters that were given a date certain by notice issued prior to March 16, 2020 for any date from March 17, 2020 through December 31, 2020, are hereby administratively canceled and will be rescheduled. Parties will receive notification of their rescheduled hearing date(s). <u>This does not apply to cases</u> <u>designated as protracted, which remain as scheduled.</u>

- (4) The Sequestration Program is suspended until further notice, and any conference or hearing scheduled will be rescheduled.
- (5) Filing of legal papers in person at filing offices is suspended for the protection of court staff and court users until further order of the court. However, all legal papers may be filed, as applicable, through the following electronic filing systems which are fully operational: Civil Electronic Filing System, Criminal Electronic Filing System, and Orphans' Court Electronic Filing System. Legal papers may also be mailed to the applicable filing office as authorized by rules of court.

- (6) As provided by the Supreme Court Order of April 28, 2020, the suspension of time requirements, time limitations or filing deadlines expired on May 11, 2020. Provided however, a default judgement cannot be entered before June 15, 2020. Any Notice of Intent required by Pa.R.C.P. 237.1 filed before May 11, 2020, must be refiled.
- (7) Pursuant to Governor Wolf's May 7, 2020 Executive Order, effective May 11, 2020, the notices mandated by Act 6 and Act 91 are stayed for 60 days thereby delaying the filing of new mortgage foreclosure cases until July 10, 2020.
- (8) Pursuant to Governor Wolf's May 7, 2020 Executive Order, effective July 10, 2020, the Court of Common Pleas and the Philadelphia Municipal Court shall accept for filing new nonresidential landlord-tenant cases and residential landlord-tenant cases in which the leased property is not a "covered property" under Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").
- (9) Effective July 26, 2020, the Court of Common Pleas and the Philadelphia Municipal Court shall accept for filing residential landlord-tenant cases in which the leased property is a "covered property" under the CARES Act. In compliance with the CARES Act, no trial will be scheduled before August 26, 2020.
- (10) No final disposition may be entered in ejectment actions filed after March 16, 2020 until July 10, 2020. No hearings will take place before July 10, 2020.
- (11) The issuance of residential writs of possession and the execution or enforcement of residential writs of possession which were stayed by orders issued on March 16, 2020 (Nos. 7 and 8 of 2020) and April 22, 2020 (No. 31 of 2020) will resume upon the expiration of Governor Wolf's Stay-At-Home Order to Philadelphia.
- (12) In actions raising landlord-tenant, ejectment and mortgage foreclosure claims filed in the Court of Common Pleas before May 11, 2020, no final disposition may be ordered until July 10, 2020.
- (13) Small claims cases other than consumer purchase ("SC/CP") cases may be filed in the Philadelphia Municipal Court's Civil Division beginning on May 19, 2020 as follows:
  - (a) Electronic filers will continue to be required to file those cases electronically through CLAIMS.
  - (b) Non-electronic filers will be able to file in person or by mail. Those persons wishing to file in person must call the court (215-686-2910) to make an appointment. Calls for an appointment may be made beginning on May 19, 2020, but no appointments will be scheduled until on or after July 1, 2020. Those persons who want to file by mail must also call the court (215-686-2910) to request that a packet be mailed to them. The completed packets may be mailed back at any time.
  - (c) Landlord-tenant cases may also be filed in the same manner as small claims cases subject to the timing set forth in Paragraph 8 above.

- (d) Code Enforcement and SC/CP cases may not be filed until the court has located a larger space outside of the Widener Building in which to schedule those cases.
- (e) Cases that must be filed so that they are not jeopardized by the running of the applicable statute of limitation may be filed in accordance with the Philadelphia Municipal Court's notice titled "Filing of Cases in the Philadelphia Municipal Court to Toll the Statute of Limitation." See www.courts.phila.gov/covid-19.
- (14) Orphan's Court Process
  - (a) All Orphans' Court monthly Audits scheduled for June 1, 2020, July 6, 2020 and August 3, 2020 are suspended and will be rescheduled.
  - (b) Accounts with petitions for adjudication/statements of proposed distribution, as well as other petitions and motions, may be e-filed through the Orphans' Court Electronic Filing System and may be entertained by the assigned Orphans' Court Judge if the same can be determined without in-court physical testimony/appearance, provided all interested parties so agree as shall be proven to the satisfaction of the assigned Judge.
  - (c) The emergency citation practice for emergencies only, as defined and established under paragraph 8H of this Court's March 17th Order and its subsequent amendments, remains suspended.
  - (d) The resumption of non-emergency procedures shall commence upon further notice from this Court or the Administrative Judge of the Orphans' Court Division upon the return to the usual citation operation by the Clerk of Orphans' Court.
  - (e) Review of guardian reports and inventories, together with resulting protective actions, shall resume immediately. Review of petitions and motions shall resume immediately provided that: there is no *pro se* litigant in interest and the appropriate time for response has lapsed, or, where all parties/litigants agree that the matter may be determined, as proven to the satisfaction of the assigned Judge.
  - (f) The Administrative Judge of Orphans' Court is authorized to make such further provisions, consistent with this Order and the PA Supreme Court Order.
- (15) The First Judicial District will continue to decide essential matters as set forth in this Court's previous Orders issued in connection with the Judicial Emergency, which remain in effect to the extent they are not supplanted by this order or by the protocols announced via *Notices to the Bar*. The protocols for the filing of emergencies established in those Orders also remain in effect.
- (16) During June 2020, the First Judicial District may expand the operations beyond the previously listed essential services. Any expansion will be with ample notice and in a manner to minimize the public's presence in any court facility.
- (17) Detailed protocols have been established regarding the operation of court business without creating unreasonable risks to the health or safety of court personnel, attorneys, court users, or the general public and are available via *Notices to the Bar* which are posted on the

First Judicial District's website at <u>www.courts.phila.gov/covid-19</u> and at <u>@PhilaCourts</u> on Twitter.

(18) To the extent that in-person access to court proceedings is restricted or not available, proceedings to which a right to public and press access would otherwise exist will be made available through the live-stream or recording of the proceeding or through the official record of the proceedings produced by the court reporter as provided by rules of court. A list of proceedings available to the public through advanced communication technologies shall be posted from time to time on the Court's website at <u>www.courts.phila.gov/covid-19</u>.

# **BY THE COURT:**

/s/ Idee C. Fox

Idee C. Fox, President Judge Chair, Administrative Governing Board First Judicial District of Pennsylvania President Judge, Court of Common Pleas, Philadelphia County