



Allegheny County Council

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Legislation Details (With Text)

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Title: Calling on the Fifth Judicial District of Pennsylvania to extend the existing moratorium on evictions in response to the COVID-19 health emergency through at least December 1.

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Calling on the Fifth Judicial District of Pennsylvania to extend the existing moratorium on evictions in response to the COVID-19 health emergency through at least December 1.

WHEREAS, it is axiomatic that economic security is fundamental to public health, and that we as a society are only as healthy as those most vulnerable, least economically secure, and least covered by our social services; and

WHEREAS, it is accordingly clear that we must do all we can to keep people secure enough to take care of themselves, practice social distancing, have a location in which to shelter and store supplies, and endure a quarantine or treatment if required; and

WHEREAS, the World Health Organization (“WHO”) has declared the COVID-19 outbreak a global pandemic, defined as the worldwide spread of a new virus for which most people do not have immunity; and

WHEREAS, as of July 7, 2020, Allegheny County is reporting 3,979 confirmed cases of COVID-19, after a 10 day period in which the County averaged 150 new cases per day (a total of 1,507 new cases); and

WHEREAS, on July 2, 2020, the Allegheny County Health Department issued an order intended to reduce the incidence of new COVID-19 cases, and mandating the closure of bars, restaurants and casinos and the cancellation of all activities or events over 25 people for a one-week time period, with food establishments limited to take-out and delivery service during that time period; and

WHEREAS, as part of the Department's announcement of the July 2 order, Director Dr. Debra Bogen also recommended a voluntary stay-at-home protocol for residents of the county; while not mandatory under the Department's the order, limiting travel to necessities and other mitigation measures was recommended to further reduce the spread of COVID-19 in our county; and

WHEREAS, these measures are in addition to the Department's June 28, 2020 order prohibiting the consumption of alcohol on the premises of any establishment within Allegheny County; and

WHEREAS, because the incubation period for the COVID-19 virus is between two and 14 days, with most patients exhibiting symptoms approximately five days after exposure, the effectiveness of the Department's orders in slowing the spread of the disease will not become evident until at least late July; and

WHEREAS, under the current orders issued by Pennsylvania Governor Wolf, eviction actions based on nonpayment of rent or the expiration of leases may not be pursued until July 10, 2020; and

WHEREAS, it is the judgment of Council that the Governor's order does not allow adequate time for the competent evaluation of the spread and impact of COVID-19 upon lessees within Allegheny County; and

WHEREAS, while rental assistance funding has been made available under the terms of the Coronavirus Aid, Relief and Economic Security (CARES) Act, according to testimony received by the Council's Committee on Budget and Finance at its June 30, 2020 meeting, these funds need not be expended until December 31, 2020; and

WHEREAS, as noted by County officials in the course of the Committee's June 30 deliberations, time is of the essence for budgeting rental assistance funds, precisely because the eviction moratorium will expire on July 10; and

WHEREAS, Allegheny County Council is not scheduled to vote on authorizing the acceptance of the \$25 million portion of a grant and special account budget amendment relating to the rental assistance program (Bill No. 11543-20) until July 7; and

WHEREAS, it is therefore the judgment of Council that it is literally impossible to provide the funds specifically budgeted for rental assistance rapidly enough to have any positive impact upon renters who face the prospect of eviction as early as July 10; and

WHEREAS, the inability to provide the budgeted relief in a timely fashion, such that it would benefit the intended population in the judgment of Council runs contrary to both the stated intent and entire point of the CARES Act and Bill No. 11543-20; and

WHEREAS, on May 27, 2020, the Pennsylvania Supreme Court issued an order expressly authorizing President Judges in the various judicial districts to continue exercising emergency powers under the Rules of Judicial Administration, 201 Pa.Code §1952(B)(2), which expressly grants broad authority to the President Judges of the Courts of Common Pleas to restructure court proceedings in response to emergencies;

The Council of the County of Allegheny therefore hereby moves as follows:

Council hereby calls on the Fifth Judicial District of Pennsylvania to extend the moratorium on filing new actions for evictions for non-payment of rent or lease under the terms of the Landlord Tenant Act of 1951 until at least December 1, 2020. Council further calls upon the Fifth Judicial District of Pennsylvania to extend an identical moratorium on proceedings relating to all such eviction actions for cases filed after March 16, 2020.