

**IN THE COURT OF COMMON PLEAS
OF LUZERNE COUNTY, 11th JUDICIAL DISTRICT**

IN RE:

RESIDENTIAL EVICTIONS

:
:

NO: 2020 04174

ORDER

AND NOW, this 4 day of September, 2020, this Order is issued to set forth the residential eviction criteria applicable until January 1, 2021.

1. All evictions for any reason other than non-payment of rent will proceed in accordance with applicable law.

2. All evictions for non-payment of rent by an individual expecting to earn more than \$99,000.00 in annual income for the calendar year 2020 shall proceed in accordance with applicable law.

3. All evictions for non-payment of rent by individuals filing a joint income tax return expecting to earn more than \$198,000.00, in annual income for the calendar year 2020 shall proceed in accordance with applicable law.

4. All evictions for non-payment of rent by an individual expecting to earn \$99,000.00 or less in annual income for the calendar year 2020 shall be stayed until January 1, 2021 provided that the individual signs the declaration attached hereto certifying under penalty of perjury that the information contained therein is true and correct. The declaration is attached hereto as court attachment A. If the individual fails or refuses to sign the declaration, the eviction shall proceed in accordance with applicable law.

5. All evictions for non-payment of rent by individuals filing a joint income tax return expecting to earn no more than \$198,000.00 in annual income for the calendar year 2020 shall be stayed until January 1, 2021 provided that the individuals sign the

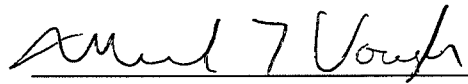
PROTHONOTARY LUZERNE COUNTY
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declaration attached hereto certifying under penalty of perjury that the information contained therein is true and correct. The declaration is attached hereto as court attachment A. If the individuals fail or refuse to sign the declaration, the eviction shall proceed in accordance with applicable law.

6. This Order applies to residential evictions only and expires at 12:00 a.m. on January 1, 2021.

7. This Order is intended to implement the Agency Order from the Centers for Disease Control and Prevention and the Department of Health and Human Services which is dated September 1, 2020 and scheduled to be published in the Federal Register on September 4, 2020.

BY THE COURT:


MICHAEL T. VOUGH, P.J.

Copies To:

All Judges of the 11th Judicial District
All Magisterial District Judges of the 11th Judicial District
Paul Hindmarsh - Luzerne County District Court Administrator
Court Administration
David Pedri, Esquire – Luzerne County Manager
Romilda Crocamo, Esquire – Luzerne County Solicitor



**DECLARATION FOR THE
CENTERS FOR DISEASE
CONTROL AND PREVENTION'S
TEMPORARY HALT IN
EVICTIONS TO PREVENT
FURTHER SPREAD OF COVID-19**

Mag. Dist. No:
MDJ Name:
Address:

Telephone:

v.

Docket No: _____

Case Filed: _____

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the foregoing are true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing;¹
- I either expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary² out-of-pocket medical expenses;
- I am using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses;
- If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options.³
- I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a house payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.

¹ "Available government assistance" means any governmental rental or housing payment benefits available to the individual or any household member.

² An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year.

³ "Available housing" means any available, unoccupied residential property, or other space for occupancy in any seasonal or temporary housing, that would not violate Federal, State, or local occupancy standards and that would not result in an overall increase of housing cost to you.

- I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to State and local laws.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

Signature of Declarant

Date

DECLARATION UNDER PENALTY OF PERJURY FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S TEMPORARY HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19

Supplemental Instructions

This declaration is for tenants, lessees, or residents of residential properties who are covered by the CDC's order temporarily halting residential evictions (not including foreclosures on home mortgages) to prevent the further spread of COVID-19. Under the CDC's order you must provide a copy of this declaration to your landlord, owner of the residential property where you live, or other person who has a right to have you evicted or removed from where you live. Each adult listed on the lease, rental agreement, or housing contract should complete this declaration. Unless the CDC order is extended, changed, or ended, the order prevents you from being evicted or removed from where you are living through December 31, 2020. You are still required to pay rent and follow all the other terms of your lease and rules of the place where you live. You may also still be evicted for reasons other than not paying rent or making a housing payment. This declaration is sworn testimony, meaning that you can be prosecuted, go to jail, or pay a fine if you lie, mislead, or omit important information.