

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1715 Session of 2015

INTRODUCED BY PETRI, D. COSTA, MILLARD, MILNE, SNYDER, STAATS, TRUITT AND WHEELAND, NOVEMBER 30, 2015

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 21, 2016

AN ACT

1 Amending the act of April 6, 1951 (P.L.69, No.20), entitled "An
2 act relating to the rights, obligations and liabilities of
3 landlord and tenant and of parties dealing with them and
4 amending, revising, changing and consolidating the law
5 relating thereto," in recovery of possession, further
6 providing for hearing, judgment, writ of possession and
7 payment of rent by tenant.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 503 of the act of April 6, 1951 (P.L.69,
11 No.20), known as The Landlord and Tenant Act of 1951, added July
12 6, 1995 (P.L.261, No.36), is amended to read:

13 Section 503. Hearing; Judgment; Writ of Possession; Payment
14 of Rent by Tenant.--(a) On the day and at the time appointed or
15 on a day to which the case may be adjourned, the [justice of the
16 peace] magisterial district judge shall proceed to hear the
17 case. If it appears that the complaint has been sufficiently
18 proven, the [justice of the peace] magisterial district judge
19 shall enter judgment against the tenant:

20 (1) that the real property be delivered [up] to the

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1 landlord;

2 (2) for damages, if any, for the unjust detention of the
3 demised premises; and

4 (3) for the amount of rent, if any, which remains due and
5 unpaid.

6 (b) [At the request of the landlord, the justice of the
7 peace shall, after the fifth day after the rendition of the
8 judgment,] The landlord may request the issuance of a writ of AN <--
9 ORDER FOR possession immediately after the rendition of the
10 judgment. The magisterial district judge shall immediately
11 thereafter issue [a writ of] an order for possession directed to
12 the writ server, constable or sheriff commanding him to deliver
13 forthwith actual possession of the real property to the landlord
14 and to levy the costs and amount of judgment for damages and
15 rent, if any, on the tenant, in the same manner as judgments and
16 costs are levied and collected on [writs of execution] ORDERS <--
17 FOR POSSESSION. This writ is to be served [within] no later than
18 forty-eight hours after the request was filed by the landlord
19 and executed on the [eleventh] TWELFTH day following service <--
20 upon the tenant of the leased premises. Service of the [writ of]
21 order for possession shall be served personally on the tenant by
22 personal service or by posting the writ conspicuously on the
23 leased premises.

24 (c) At any time ~~before~~ [any writ of possession is actually <--
25 executed,] ~~before the actual lockout~~ DELIVERY OF ACTUAL <--
26 POSSESSION following the rendition of the judgment, the tenant
27 may, in any case for the recovery of possession solely because
28 of failure to pay rent due, supersede and render the writ of no
29 effect by paying to the writ server, constable or sheriff the
30 rent actually in arrears and the costs.

1 ~~(d) After the tenth day, but prior to executing on an order~~ <--
2 ~~for possession which was entered solely because of a failure to~~
3 ~~pay rent, the landlord shall file with the court an affidavit~~
4 ~~that the tenant has not paid the judgment amount plus costs and~~
5 ~~has not petitioned for an appeal of the judgment.~~

6 ~~(e) The time periods under subsections (b) and (c) shall run~~
7 ~~concurrently with the time period for appeal under section~~
8 ~~513(b).~~

9 Section 2. This act shall take effect in 60 days.