
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2840 Session of
2020

INTRODUCED BY MADDEN, SCHLOSSBERG, BULLOCK, CALTAGIRONE, CIRESI,
DALEY, DAVIDSON, A. DAVIS, T. DAVIS, DELLOSO, DONATUCCI,
DRISCOLL, FIEDLER, FRANKEL, FREEMAN, GALLOWAY, GREEN,
HANBIDGE, HILL-EVANS, HOHENSTEIN, HOWARD, INNAMORATO,
ISAACSON, KENYATTA, KIM, KINSEY, KOSIEROWSKI, McNEILL,
O'MARA, OTTEN, PASHINSKI, ROZZI, SANCHEZ, SAPPEY, SCHWEYER,
WILLIAMS AND ZABEL, OCTOBER 15, 2020

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 15, 2020

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in organization and
3 jurisdiction of courts of common pleas, further providing for
4 housing courts.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 917 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding subsections to read:

9 § 917. Housing courts.

10 * * *

11 (e) Eviction diversion mediation program.--

12 (1) The court of common pleas of a judicial district may
13 include within a housing court established under this section
14 a residential eviction diversion program that provides for a
15 conciliation conference between a landlord and tenant to
16 mediate an agreement to address any asserted residential

1 lease violation and to stabilize the tenancy.

2 (2) A designated housing mediator shall conduct the
3 conciliation conference. Designated housing mediators shall
4 be appointed by the president judge of the court of common
5 pleas or an authorized committee. No less than two housing
6 mediators shall be appointed within the judicial district.

7 (3) A housing mediator must:

8 (i) Be knowledgeable in the requirements of this
9 subsection, the maintenance, repair and rehabilitation of
10 dwelling units, including minimum housing code
11 requirements and the Federal, State and municipal laws,
12 ordinances, rules and regulations pertaining to these
13 matters, and must be knowledgeable in the methods of
14 servicing as a neutral mediator.

15 (ii) Have knowledge necessary to advise parties
16 regarding the type of funds and services available to
17 assist owners, landlords and tenants in the financing of
18 resolutions to housing problems.

19 (4) A housing mediator shall advise parties in locating
20 possible sources of financial assistance necessary to resolve
21 the issues between the parties and shall exercise other
22 powers and perform other duties as the president judge may
23 prescribe.

24 (5) A housing mediator shall conduct an initial
25 screening and evaluation of all contested housing matters
26 eligible for placement on the housing court docket.

27 (6) A housing mediator may conduct investigations of
28 matters, including, but not limited to, interviews with the
29 parties and may recommend settlements.

30 (7) A conciliation conference shall take place prior to

1 the landlord filing a complaint for eviction with the proper
2 court, unless a conciliation conference cannot be scheduled
3 within the time frame provided in this subsection. If through
4 the mediation, the landlord and tenant enter into a written
5 settlement agreement, no hearing shall be required and the
6 agreement shall be enforceable by the court.

7 (8) A housing mediator shall engage with the tenant and
8 landlord prior to the conciliation conference to learn the
9 circumstances of both parties, educate the parties and
10 discuss available resources.

11 (9) Beginning with the date the program is implemented,
12 no landlord may take action to recover possession of a
13 residential property occupied by a tenant, other than
14 providing a notice required under this section, without first
15 participating in a conciliation conference in the residential
16 eviction diversion mediation program, unless one of the
17 following requirements is met:

18 (i) Eviction is necessary to cease or prevent an
19 imminent and direct threat of harm by the person being
20 evicted, including physical harm or harassment.

21 (ii) The landlord has:

22 (A) provided the affected tenants notice of the
23 tenants' rights under this section and how to
24 exercise the rights; and

25 (B) contacted the eviction diversion program to
26 schedule a conciliation conference.

27 (10) If the program is unable to offer a date for a
28 conciliation conference within 30 days of the landlord's
29 initial request to schedule the conciliation conference, the
30 landlord shall participate in a conciliation conference when

1 a date and time for one becomes available, if prior to an
2 eviction judgment being issued.

3 (11) Prior to filing a complaint for eviction with the
4 court, the landlord shall provide written notice to the
5 tenant of the landlord's intent to file the complaint and the
6 tenant's right to a mediation session prior to the court
7 filing. The notice shall include the contact information for
8 the mediation program in order that the tenant may request a
9 conciliation session.

10 (12) The failure of the landlord to comply with this
11 subsection may be asserted as a defense by a tenant in an
12 action before any adjudicatory body and may not be waived.

13 (f) Definitions.--The following words and phrases when used
14 in this section shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "Conciliation conference." A meeting between a landlord,
17 tenant and housing mediator to mediate an agreement for asserted
18 residential lease violations.

19 "Housing mediator." An individual appointed by the president
20 judge of the court of common pleas or authorized committee for
21 the purpose of assisting the court in the prompt and efficient
22 resolution of evictions without the requirement for a court
23 hearing through a mutually acceptable settlement between the
24 parties.

25 "Program." An eviction diversion mediation program
26 authorized under subsection (e).

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