

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1875 Session of
2017

INTRODUCED BY ROTHMAN, MILLARD AND A. HARRIS, OCTOBER 24, 2017

REFERRED TO COMMITTEE ON URBAN AFFAIRS, OCTOBER 24, 2017

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, is amended
12 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
21 landlord;

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

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

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

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

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