

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 929 Session of
1995

INTRODUCED BY DENT, BROWNE, BUNT, GEIST, KING, NICKOL, SAYLOR,
MAITLAND, SCHRODER, STERN, FLEAGLE, VAN HORNE, E. Z. TAYLOR,
MICOZZIE, RAYMOND, STURLA, MUNDY, FAIRCHILD, ROONEY,
LEVDANSKY, FARGO, McCALL, TIGUE, COY, TRELLO, GANNON,
GIGLIOTTI, CLARK, FICHTER, DEMPSEY, GORDNER, EGOLF, CIVERA,
YOUNGBLOOD, STABACK, OLASZ, BOSCOLA, BELFANTI, MERRY AND
WOGAN, FEBRUARY 28, 1995

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 25, 1995

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," further providing for escrow accounts on
6 appeals from certain judgments by lower courts.

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

9 Section 1. The act of April 6, 1951 (P.L.69, No.20), known
10 as The Landlord and Tenant Act of 1951, is amended by adding a
11 section to read:

12 Section 513. Appeal by Tenant to Common Pleas Court.--(a)
13 Every tenant who files an appeal, to a court of common pleas, of
14 a judgment of the lower court involving an action under this act
15 for the recovery of possession of real property or for rent due
16 shall deposit with the prothonotary a sum equal to the amount of
17 rent due as determined by the lower court. This sum representing

1 the rent due or in question shall be placed in a special escrow
2 account by the prothonotary. The prothonotary shall only dispose
3 of these funds by order of court.

4 (b) In addition to the sum to be placed into the escrow
5 account by the tenant upon filing of the appeal, the tenant
6 shall, each month when the rent is normally due, deposit such <—
7 rent with the prothonotary for placement in the special escrow
8 account.

9 ~~(c) In any case, when a tenant fails to deposit in escrow~~
10 ~~the sums required by this section, the appeal shall not operate~~
11 ~~as a supersedeas.~~ DUE, PAY SUCH RENT TO THE LANDLORD UNLESS <—
12 OTHERWISE ORDERED BY THE COURT.

13 (C) IN ANY CASE, WHEN A TENANT FAILS TO DEPOSIT IN ESCROW
14 THE SUMS REQUIRED BY THIS SECTION, THE APPEAL SHALL NOT OPERATE
15 AS A SUPERSEDEAS.

16 (D) IF THE TENANT FAILS TO MAKE THE REQUIRED PAYMENTS OF
17 ONGOING RENT BY THE DATE EACH PAYMENT IS DUE, THE LANDLORD SHALL
18 SEND WRITTEN NOTICE TO THE TENANT, WITH A COPY TO THE
19 PROTHONOTARY, GIVING THE TENANT FIVE DAYS TO MAKE THE REQUIRED
20 PAYMENT. AT THE END OF FIVE DAYS, IF PAYMENT HAS NOT BEEN
21 RECEIVED, THE LANDLORD SHALL FILE A PRAECIPE WITH THE
22 PROTHONOTARY ACCOMPANIED BY A SWORN AFFIDAVIT BY THE LANDLORD
23 INDICATING THAT THE RENT WAS NOT PAID, AT WHICH TIME THE
24 PROTHONOTARY SHALL TERMINATE THE SUPERSEDEAS. IN ANY COUNTY
25 WHERE THERE IS NO PROTHONOTARY, THE FILING SHALL BE MADE IN THE
26 OFFICE WHICH RECEIVES AND MAINTAINS ALL CIVIL COURT FILINGS OR
27 RECORDS.

28 ~~(d)~~ (E) As used in this section, the term "lower court" <—
29 means district justice, magistrate or any other court having
30 jurisdiction over landlord and tenant matters, excluding a court

1 of common pleas.

2 Section 2. This act shall take effect in 90 days.