

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1051 Session of
1975

INTRODUCED BY BERSON, IRVIS AND RHODES, APRIL 16, 1975

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 21, 1975

AN ACT

1 Providing a remedy for eviction of a cohabitant from a dwelling
2 for the protection of the health and safety of other
3 cohabitants.

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

6 Section 1. Petition for Eviction from Premises.--Any person
7 who cohabits with another adult, whether married or unmarried,
8 may by petition to the Court of Common Pleas of the county in
9 which he or she resides, seek eviction in cases in which the
10 physical or mental well-being of either cohabitant or any child
11 or children living with them is endangered by the occupancy of
12 the cohabited premises by both adult cohabitants.

13 Section 2. Notice, Hearing and Preliminary Relief.--Upon the
14 filing of said petition and notice to the other adult
15 cohabitant, the court shall schedule a hearing within five days,
16 unless waived by the court upon good cause shown. Immediate and
17 present danger to an adult or child cohabitant therein shall
18 constitute good cause. If the hearing is waived and immediate
19 and preliminary relief is granted, a hearing shall be scheduled

1 within five days thereafter.

2 Section 3. Scope of Judicial Relief.--The court shall be
3 empowered to grant any form of legal or equitable relief
4 necessary and proper to safeguard the physical or emotional
5 health or safety of either cohabitant or any child or children
6 living with them including either or both of the following:

7 (1) Granting exclusive possession of the cohabited premises
8 to either cohabitant, by eviction from, or restoration to, the
9 cohabited premises, whether or not such premises are owned by
10 the entireties, jointly owned, jointly leased, leased by the
11 excluded party solely, owned by the excluded party solely or
12 merely jointly occupied by both parties.

13 (2) Restraining one of the cohabitants from physically
14 striking or coming into physical contact with the other
15 cohabitant or any minor child or children who had lived with
16 them for such time as is appropriate and necessary under the
17 circumstances of the case.

18 Section 4. Determining Right to Possession of Dwelling.--The
19 court, in determining who shall remain in or be restored to the
20 dwelling, shall give due regard to whichever party will retain
21 custody of any child or children who had been living in the
22 cohabited premises.

23 Section 5. Title to Real Estate Unaffected.--No order shall
24 in any manner effect title to any real estate of either party.
25 Should the excluded party have exclusive title to the residence
26 from which he or she is evicted, the court shall enjoin that
27 person from bringing any legal or equitable action designed to
28 give him or her possession of the premises for the duration of
29 the court's order.

30 Section 6. Remedies Cumulative.--The remedies provided in

1 the act are cumulative and are in addition to and may be
2 employed concurrently with other remedies provided in law or in
3 equity.

4 Section 7. Repeals.--All acts and parts of acts are repealed
5 insofar as they are inconsistent with this act.

6 Section 8. Effective Date.--This act shall take effect in 60
7 days.