
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1177 Session of
1977

INTRODUCED BY REED, BROWN, GRAY, ZITTERMAN, BORSKI AND LAUGHLIN,
MAY 25, 1977

REFERRED TO COMMITTEE ON JUDICIARY, MAY 25, 1977

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, authorizing the
3 establishment of housing court divisions in certain courts of
4 common pleas; providing for their powers and duties and the
5 procedure for enforcement of rights therein.

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

8 Section 1. The definition of "Appointive judicial officers"
9 in section 102 and sections 912, 931(d), 951(f) and 1515(a) of
10 Title 42, act of November 25, 1970 (P.L.707, No.230), known as
11 the Pennsylvania Consolidated Statutes, amended July 9, 1976
12 (No.142), are amended or added to read:

13 § 102. Definitions.

14 Subject to additional definitions contained in subsequent
15 provisions of this title which are applicable to specific
16 provisions of this title, the following words and phrases when
17 used in this title shall have, unless the context clearly
18 indicates otherwise, the meanings given to them in this section:

19 * * *

1 "Appointive judicial officers." Arbitrators, auditors,
2 commissioners to take oaths and depositions, custodians,
3 examiners, guardians, housing court division hearing officers,
4 masters, receivers, referees, trustees, viewers and other like
5 officers.

6 * * *

7 § 912. Powers of courts of common pleas.

8 (a) General rule.--Every court of common pleas shall have
9 power to issue, under its judicial seal, every lawful writ and
10 process to or to be served or enforced by system and related
11 personnel as such courts have been heretofore authorized by law
12 or usage to issue. Every judge of a court of common pleas shall
13 have all the powers of a judge or district justice of the minor
14 judiciary.

15 (b) Powers of housing court division.--Regardless of the
16 relief originally sought by a party, the housing court division
17 established under section 951 (relating to court divisions) may
18 recommend or employ any remedy, program, procedure or sanction
19 authorized by law for the enforcement of housing standards, if
20 it believes they will be more effective to accomplish compliance
21 or to protect and promote the public interest; provided in the
22 event any such proposed remedy, program or procedure entails the
23 expenditure of moneys appropriated by a municipality, other than
24 for the utilization and deployment of personnel incidental
25 thereto, the housing court division shall give notice of such
26 proposed remedy, program or procedure to the municipal or county
27 department charged with the enforcement of local laws relating
28 to housing maintenance and shall not employ such proposed
29 remedy, program or procedure, if such department shall advise
30 the housing court division in writing within the time fixed by

1 the housing court division, which shall not be less than 15 days
2 after such notice has been given, of the reasons such order
3 should not be issued, which advice shall become part of the
4 record. The housing court division may retain continuing
5 jurisdiction of an action or proceeding relating to a building
6 until all violations of law have been removed.

7 (c) Attendance at housing clinic courses.--Individuals over
8 whom the housing court division has jurisdiction and who have
9 been found responsible by the housing court division for the
10 maintenance of a property in substantial violation of the laws
11 and regulations within the jurisdiction of the housing court
12 division may be ordered by it to attend the course offered by
13 the housing clinic established under section 2161 (relating to
14 establishment of housing clinics).

15 (d) Housing court division hearing officers.--The
16 determination of a housing court division hearing officer
17 appointed under section 3131 (relating to selection of judicial
18 officers for regular terms) shall be final. It shall be entered
19 and may be appealed from as a judgment of the court. A housing
20 court division hearing officer shall preside over all cases
21 within the jurisdiction of the housing court division which were
22 formerly within the jurisdiction of district justices.

23 § 931. Original jurisdiction and venue.

24 * * *

25 (d) Jurisdiction of housing court division.--In a court of
26 common pleas which has established a housing court division
27 pursuant to section 951 (relating to court divisions), the
28 exclusive jurisdiction of the following matters shall be vested
29 in the housing court division:

30 (1) Criminal and civil actions arising within the county

1 under the housing, building, safety, plumbing, electrical,
2 health or fire ordinances and regulations of a municipal
3 corporation within the county or of the county itself, or
4 under any other general or special law, ordinance, rule or
5 regulation concerned with the health, safety or welfare of an
6 occupant of a place used, or intended for use, as a place of
7 human habitation.

8 (2) Actions or proceedings arising under a municipal or
9 county ordinance enacted under the act of July 31, 1968
10 (P.L.805, No.247), known as the "Pennsylvania Municipalities
11 Planning Code," or under the act of June 13, 1961 (P.L.282,
12 No.167), relating to the establishment of historic districts.

13 (3) Appeals from government agencies under the act of
14 December 2, 1968 (P.L.1133, No.353), known as the "Local
15 Agency Law," or otherwise, relating to the housing, building,
16 safety, plumbing, electrical, health or fire ordinances and
17 regulations of a municipal corporation within the county, or
18 of the county itself, or relating to a municipal or county
19 ordinance enacted under the act of July 31, 1968 (P.L.805,
20 No.247), known as the "Pennsylvania Municipalities Planning
21 Code," or under the act of June 13, 1961 (P.L.282, No.167),
22 relating to the establishment of historic districts.

23 (4) Matters arising under the act of April 6, 1951
24 (P.L.69, No.20), known as "The Landlord and Tenant Act of
25 1951."

26 (5) Matters arising under the act of April 27, 1927
27 (P.L.465, No.299), referred to as the Fire and Panic Act,
28 which involve a place used, or intended for use, as a place
29 of human habitation.

30 § 951. Court divisions.

1 * * *

2 (f) Separate housing court division.--The court of common
3 pleas of each county other than Philadelphia County shall have a
4 separate housing court division.

5 § 1515. Jurisdiction and venue.

6 (a) Jurisdiction.--Except as otherwise prescribed by general
7 rule adopted pursuant to section 503 (relating to reassignment
8 of matters) district justices shall, under procedures prescribed
9 by general rule, have jurisdiction of all of the following
10 matters:

11 (1) Summary offenses, except those within the
12 jurisdiction of an established and open traffic court and
13 those within the jurisdiction of a housing court division of
14 a court of common pleas.

15 (2) Matters arising under the act of April 6, 1951
16 (P.L.69, No.20), known as "The Landlord and Tenant Act of
17 1951," which are stated therein to be within the jurisdiction
18 of a justice of the peace except where a housing court
19 division of the court of common pleas has been established
20 pursuant to section 951 (relating to court divisions).

21 (3) [Civil] Except those within the jurisdiction of a
22 housing court division of a court of common pleas; civil
23 claims wherein the sum demanded does not exceed \$1,000,
24 exclusive of interest and costs, in the following classes of
25 actions:

26 (i) In assumpsit, except cases of real contract
27 where the title to real estate may be in question.

28 (ii) In trespass, including all forms of trespass
29 and trespass on the case.

30 (iii) For fines and penalties by any government

1 agency.

2 A plaintiff may waive a portion of his claim of more than
3 \$1,000 so as to bring the matter within the jurisdiction of a
4 district justice. Such waiver shall remain effective except
5 upon appeal by either party or when the judgment is set aside
6 upon certiorari.

7 (4) As commissioners to preside at arraignments, fix and
8 accept bail, issue warrants and perform duties of a similar
9 nature, including the jurisdiction of a committing magistrate
10 in all criminal proceedings.

11 (5) Matters jurisdiction of which is vested in district
12 justices by any statute.

13 * * *

14 Section 2. The heading of Chapter 21 of Title 42 is amended
15 and subchapters are added to read:

16 CHAPTER 21

17 JUDICIAL BOARDS, [AND] COMMISSIONS, COUNCILS AND HOUSING CLINICS

18 * * *

19 SUBCHAPTER F

20 HOUSING COURT DIVISION ADVISORY COUNCILS

21 Sec.

22 2151. Housing court division advisory councils.

23 2152. Composition.

24 2153. Organization.

25 2154. Staff.

26 2155. Powers and duties.

27 § 2151. Housing court division advisory councils.

28 The housing court division advisory council of a court of
29 common pleas which has established a housing court division
30 under section 951 (relating to court divisions) shall consist of

1 14 members selected as provided in this subchapter.

2 § 2152. Composition.

3 (a) General rule.--The advisory council of each housing
4 court division shall consist of two members representative of
5 each of the following: the real estate industry, tenants'
6 organizations, civic groups, bar associations and four members
7 from the public at large. Such members shall be appointed by the
8 administrative judge of the housing court division with the
9 approval of the president judge of the court of common pleas.
10 The remaining two members shall be representative of the most
11 populous municipal corporation in the county. One such member
12 shall be the director of the department having jurisdiction over
13 the code enforcement activities of that municipal corporation.
14 The other such member shall be appointed by the chief executive
15 officer of that municipal corporation with the approval of the
16 governing body thereof.

17 (b) Terms of office.--The members appointed by the
18 administrative judge may be appointed for renewable terms of
19 three years. One of the initial members of each classification
20 of membership shall serve for two years. The director of the
21 department having jurisdiction over the code enforcement
22 activities of the most populous municipal corporation of the
23 county shall serve as long as he holds that office. The member
24 appointed by the chief executive officer of the most populous
25 municipal corporation of the county shall serve at the pleasure
26 of that officer.

27 (c) Compensation.--Members of housing court division
28 advisory councils shall receive no compensation.

29 § 2153. Organization.

30 (a) General rule.--The advisory councils of the housing

1 court divisions shall annually elect their chairpersons and
2 other officers. They shall hold office at the pleasure of the
3 councils. They shall act only with the concurrence of a majority
4 of their members.

5 (b) Meetings.--The advisory councils of the housing court
6 divisions shall meet at least four times a year and on such
7 other occasions as they may require or as the administrative
8 judge may require.

9 § 2154. Staff.

10 Each housing court division shall provide such clerical staff
11 as its advisory council shall require.

12 § 2155. Powers and duties.

13 (a) Participation in selection of hearing officers.--Each
14 housing court division advisory council shall participate in the
15 selection of housing court division hearing officers as provided
16 in section 3131(e) (relating to selection of judicial officers
17 for regular terms).

18 (b) Court observations and recommendations.--Each housing
19 court division advisory council shall visit its housing court
20 division from time to time to review the manner in which the
21 division is functioning. It shall submit a report of its
22 observations and recommendations to the administrative judge.
23 The report shall be a public record.

24 (c) Housing clinic curriculum.--Each housing court division
25 advisory council shall prepare a list of topics to be included
26 in the course offered by the housing clinic established under
27 section 2161 (relating to establishment of housing clinics). It
28 shall submit the list to the administrative judge of the housing
29 court division for review and approval.

30

SUBCHAPTER G

HOUSING CLINICS

Sec.

2161. Establishment of housing clinics.

2162. Staff.

2163. Powers and duties.

§ 2161. Establishment of housing clinics.

A housing clinic shall be established for each housing court division established under section 951 (relating to court divisions).

§ 2162. Staff.

The housing clinic shall utilize the housing specialists assigned to the housing court division pursuant to section 2301(d) (relating to appointment of personnel).

§ 2163. Powers and duties.

(a) Course on housing laws.--The housing clinic shall provide a course of study of the various Federal, State and municipal laws relating to housing. It shall include instruction on topics related to compliance with those laws, proper building and property maintenance and repair and other topics on law to assist property owners and tenants to comply with such laws.

(b) Housing specialists.--

(1) A housing specialist, identified as an officer of the housing court division, shall visit the properties maintained by individuals to determine the compliance thereof with the laws within the jurisdiction of the housing court division. A report shall be prepared for the housing court division concerning those individuals who have not complied therewith for further action by it.

(2) The term "housing specialist" means an individual assigned by a municipality under section 2301(d) (relating to

1 appointment of personnel) to a housing court division
2 established under section 951 (relating to court divisions).

3 Section 3. Section 2301 of Title 42 is amended by adding a
4 subsection to read:

5 § 2301. Appointment of personnel.

6 * * *

7 (d) Utilization of municipal personnel.--The housing court
8 division of a court of common pleas shall utilize as housing
9 specialists personnel of the various municipal corporations or
10 of the county assigned to temporary duty with the housing court
11 division for a period of one year or more with the consent of
12 the chief executive officer and the governing body of the
13 municipality providing such personnel. Such housing specialists
14 shall be knowledgeable in the maintenance, repair and
15 rehabilitation of dwelling units, the problems of landlords and
16 tenants as they pertain to dwelling units, the types of funds
17 and services available to assist landlords and tenants in the
18 financing and solution of such problems, the Federal, State and
19 local laws, rules and regulations pertaining thereto, and the
20 financing and solution of such problems.

21 Section 4. Title 42 is amended by adding a section to read:

22 § 2303. Powers of housing specialists and related personnel.

23 (a) Housing specialists.--The housing specialists assigned
24 to a housing court division under section 2301 (relating to
25 appointment of personnel) shall operate the housing clinic
26 established under section 2161 (relating to establishment of
27 housing clinics) and have such powers and perform such duties as
28 the administrative judge of the housing court division shall
29 from time to time prescribe.

30 (b) Related personnel.--Related personnel shall have such

1 powers, including the power to issue subpoenas, as may be
2 provided or prescribed by law or order of court.

3 Section 5. Sections 3101, 3131(f), 3152(d), 3154(c) and 3302
4 of Title 42 are amended or added to read:

5 § 3101. Qualifications of judicial officers generally.

6 (a) Judges and district justices.--Judges and district
7 justices shall be citizens of this Commonwealth. Judges, except
8 judges of the Pittsburgh Magistrates Court and the Traffic Court
9 of Philadelphia, shall be members of the bar of the Supreme
10 Court. Judges of the Supreme, Superior and Commonwealth Courts,
11 for a period of one year preceding their election or appointment
12 and during their continuance in office, shall reside within this
13 Commonwealth. Other judges and district justices, for a period
14 of one year preceding their election or appointment and during
15 their continuance in office, shall reside within their
16 respective districts, except when temporarily assigned to
17 another district pursuant to law.

18 (b) Housing court division hearing officers.--Housing court
19 division hearing officers shall be qualified by training,
20 interest, experience, judicial temperament and knowledge of
21 Federal, State and local housing laws and related laws, and
22 housing programs. They shall be members of the bar of the
23 Supreme Court of Pennsylvania for a period of at least three
24 years prior to their appointment. They shall have practiced law
25 at least one year prior to their appointment.

26 (c) Other appointive judicial officers.--Other appointive
27 judicial officers shall have such qualifications as may be
28 provided or prescribed by law.

29 § 3131. Selection of judicial officers for regular terms.

30 * * *

1 (f) Housing court division hearing officers.--Hearing
2 officers shall be appointed by the administrative judge of the
3 housing court division established under section 951 (relating
4 to court divisions) with the approval of the president judge of
5 the court of common pleas of the county from a list of persons
6 selected by the advisory council for the housing court divisions
7 appointed under section 2151 (relating to housing court division
8 advisory councils).

9 § 3152. Tenure of judicial officers.

10 * * *

11 (d) Housing court division hearing officers.--Housing court
12 division hearing officers shall be appointed for a term of three
13 years. Reappointment for a like term shall be at the discretion
14 of the administrative judge of the housing court division with
15 the approval of the president judge of the court of common
16 pleas.

17 § 3154. Compensation of judicial officers.

18 * * *

19 (c) Housing court division hearing officers.--Housing court
20 division hearing officers shall be compensated in the amount
21 fixed by the governing authority out of funds appropriated to
22 the unified judicial system. Their compensation shall not be
23 diminished during their terms of office, unless by law applying
24 generally to all salaried officers of the Commonwealth.

25 § 3302. Additional restrictions.

26 (a) General rule.--Judges shall not engage in any activity
27 prohibited by this subchapter or any other provision of law and
28 shall not violate any canon of ethics prescribed by general
29 rule. District justices and appointive judicial officers shall
30 be governed by rules or canons prescribed by general rule.

1 (b) Housing court division hearing officers.--Housing court
2 division hearing officers shall devote full time to their
3 judicial duties. They shall not engage in the practice of law,
4 hold office in a political party or political organization or
5 hold an office or position of profit in the Government of the
6 United States, this Commonwealth or any political subdivision
7 thereof, except in the armed forces of the United States or the
8 Commonwealth.

9 Section 6. Section 4301 of Title 42 is amended by adding a
10 subsection to read:

11 § 4301. Establishment and maintenance of judicial records.

12 * * *

13 (c) Cross index system.--All system and related personnel
14 engaged in clerical functions in a county with an established
15 housing court division shall maintain a cross index number
16 system indicating by building or property address and county tax
17 parcel number all actions and proceedings which have been
18 brought in connection with a particular building or property.

19 Section 7. Section 5104 of Title 42 is amended by adding a
20 subsection to read:

21 § 5104. Trial by jury.

22 * * *

23 (c) Housing court division.--All cases in a housing court
24 division established under section 951 (relating to court
25 divisions), including all demurrers, pleas, motions and the
26 like, whether interlocutory or final, shall be heard and
27 determined by the housing court division judge or hearing
28 officer sitting without a jury, except in cases where a jury
29 trial is required by the Constitution of Pennsylvania or of the
30 United States and the department has not waived his rights to

1 trial by jury.

2 Section 8. Title 42 is amended by adding a section to read:

3 § 5107. General rules of procedure applicable in housing court
4 division cases.

5 (a) Civil proceedings.--Proceedings commenced in a housing
6 court division to enforce a general or special law, ordinance,
7 rule or regulation concerned with the health, safety or welfare
8 of any occupant of a place used, or intended for use, as a place
9 of human habitation shall be in the nature of an action to
10 recover a penalty or in equity. General rules applicable to
11 civil and equity actions shall govern such proceedings.

12 (b) Criminal proceedings.--Notwithstanding subsection (a),
13 whenever the offense charged is alleged to be willful,
14 intentional, reckless or repeated, the proceedings shall be
15 deemed criminal and the general rules applicable to criminal
16 prosecutions shall govern such proceedings. If the housing court
17 division subsequently finds the offense charged was not willful,
18 intentional, reckless or repeated, the proceedings shall not be
19 deemed criminal and no record thereof shall be made.

20 Section 9. Section 6104 of Title 42 is amended by adding a
21 subsection to read:

22 § 6104. Effect of official records generally.

23 * * *

24 (c) Housing inspection reports.--The report of an inspection
25 serving in the code enforcement department or agency of a
26 municipal corporation within the county or of the county itself
27 shall be prima facie evidence of the facts recited therein in
28 the trial of a matter in a housing court division.

29 Section 10. This act shall take effect upon the effective
30 date of the repeal of paragraph (4) of section 29 of the act of

1 July 9, 1976 (No.142), known as the "Judiciary Act of 1976," or
2 60 days after final enactment, whichever is later.