

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1154 Session of
1991

INTRODUCED BY RITTER, FARGO, VAN HORNE, OLASZ, STABACK, MERRY,
GEIST, FLEAGLE, TIGUE, SCRIMENTI, ARMSTRONG, BELFANTI, WOGAN,
PRESTON, DeLUCA, FAIRCHILD, CLARK, BOYES, MICOZZIE, WOZNIAK,
TANGRETTI, JOHNSON, CAPPABIANCA, BUNT, DEMPSEY, McGEEHAN,
PESCI, STURLA, NOYE, NICKOL, HERSHEY, HALUSKA, KRUSZEWSKI,
BILLOW, ROBINSON, HARPER, E. Z. TAYLOR, GODSHALL, TRELLO,
LEVDANSKY, MUNDY, NAHILL, LEE, G. SNYDER, LEH, S. H. SMITH,
PISTELLA, GALLEN, RAYMOND, MICHLOVIC, R. C. WRIGHT, THOMAS,
JAMES AND STETLER, APRIL 16, 1991

AS REPORTED FROM COMMITTEE ON BUSINESS AND COMMERCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 16, 1992

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 ~~district justices~~ LOWER
7 COURTS. <—

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

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

13 Section 513. Appeal by Tenant to Common Pleas Court.--(a)

14 Every tenant who files an appeal, to a court of common pleas, of
15 a judgment of a ~~district justice~~ THE LOWER COURT involving an <—

16 action under this act FOR THE RECOVERY OF POSSESSION OF REAL <—

1 PROPERTY OR FOR RENT DUE shall deposit with the prothonotary a
2 sum equal to the amount of rent due as determined by the
3 ~~district justice~~ LOWER COURT. This sum representing the rent due <—
4 or in question shall be placed in a special escrow account by
5 the prothonotary. The prothonotary shall only dispose of these
6 funds by order of court.

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

12 ~~(c) If a tenant who is required to make monthly payments~~ <—
13 ~~pursuant to subsection (b) fails to do so, then the prothonotary~~
14 ~~shall notify the court; and the court shall immediately issue a~~
15 ~~writ of possession to be executed within fifteen days after~~
16 ~~issuance of the writ.~~

17 (C) IN ANY CASE, WHEN A TENANT FAILS TO DEPOSIT IN ESCROW <—
18 THE SUMS REQUIRED BY THIS SECTION, THE APPEAL SHALL NOT OPERATE
19 AS A SUPERSEDEAS.

20 (D) AS USED IN THIS SECTION, THE TERM "LOWER COURT" MEANS
21 DISTRICT JUSTICE, MAGISTRATE OR ANY OTHER COURT HAVING
22 JURISDICTION OVER LANDLORD AND TENANT MATTERS, EXCLUDING A COURT
23 OF COMMON PLEAS.

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