

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 806 Session of
2005

INTRODUCED BY SCARNATI, WOZNIAK, CORMAN, D. WHITE, RAFFERTY,
WONDERLING, PICCOLA, WAUGH, ARMSTRONG, M. WHITE, THOMPSON AND
FERLO, JUNE 24, 2005

REFERRED TO URBAN AFFAIRS AND HOUSING, JUNE 24, 2005

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 judgment and writ of
6 possession.

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

9 Section 1. Section 503 of the act of April 6, 1951 (P.L.69,
10 No.20), known as The Landlord and Tenant Act of 1951, added July
11 6, 1995 (P.L.261, No.36), is amended to read:

12 Section 503. Hearing; Judgment; Writ of Possession; Payment
13 of Rent by Tenant.--(a) On the day and at the time appointed or
14 on a day to which the case may be adjourned, the justice of the
15 peace shall proceed to hear the case. If it appears that the
16 complaint has been sufficiently proven, the justice of the peace
17 shall enter judgment against the tenant:

18 (1) that the real property be delivered up to the landlord;

19 (2) for damages, if any, for the unjust detention of the

1 demised premises; and

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

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

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

27 (d) After the tenth day, but prior to executing on an order
28 for possession which was entered solely because of a failure to
29 pay rent, the landlord shall file with the court an affidavit
30 that the tenant has not paid the judgment amount plus costs and

1 has not petitioned for an appeal of the judgment.

2 (e) The time periods under subsections (b) and (c) shall run
3 concurrently with the time period for appeal under section
4 513(b).

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