

33RD SENATORIAL DISTRICT

- ☐ SENATE BOX 203033
HARRISBURG, PA 17120
(717) 787-4651
FAX: (717) 772-2753
- ☐ 37 SOUTH MAIN STREET, SUITE 200
CHAMBERSBURG, PA 17201
(717) 264-6100
FAX: (717) 264-3652
- ☐ 237 EAST MAIN STREET
WAYNESBORO, PA 17268
(717) 762-9222
FAX: (717) 749-5649
- ☐ 53 EAST MIDDLE STREET
GETTYSBURG, PA 17325
(717) 334-4169
TOLL FREE: (866) 334-1863
FAX: (717) 334-5911



Senate of Pennsylvania

RICHARD ALLOWAY, II
SENATOR

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WEBSITE ADDRESS
www.senatoralloway.com

INTERNET E-MAIL ADDRESS
alloway@pasen.gov

JUN 01 2012

TO: All Senators

FROM: Senator Richard Alloway, II

RE: Introduction of Legislation—Amend Landlord Tenant Act to Provide for Revised Eviction Proceedings.

DATE: June 1, 2012

In the near future, I plan to introduce legislation that would amend "The Landlord and Tenant Act of 1951" (Act 20) to provide for revised eviction proceedings.

Though current law provides a process for the eviction of tenants, procedurally, this is not what takes place due to an ambiguity in the law and the Pennsylvania District Justice Rules of Court. I believe that Act 20 should be amended to clarify this inconsistency.

The following is an explanation of the problem, as well as how the legislation would rectify this matter in Act 20.

- Following an eviction proceeding where the district justice rules in the landlord's favor, the landlord can file an Order of Possession (Writ of Possession in Philadelphia Municipal Court) on the 6th day after the date of the judgment under Act 20. Current Pennsylvania District Justice Rules, however, do not allow the landlord to actually file the Order of Possession until the 11th day after the date the judgment is rendered (due to the tenant's 10 day appeal period). Once the Order for Possession is filed (11day), the landlord must then wait another 10 days after it is served before proceeding with the lockout of the tenant.
- The process results in a 21-day time period. I believe that this was not the intent of Act 20, and therefore propose that the law be clarified so that the 10-day waiting period and the 10-day appeal period run concurrently rather than consecutively. The landlord would then be able to file an Order of Possession immediately after a judgment is rendered, and the provision of Act 20 would be met.
- Additionally, the proposed legislation would add a new subsection to Act 20 to require the landlord to file an affidavit after the appeal period has run out, certifying that the tenant has not paid the judgment amount plus costs, and has not filed an appeal. This would provide added protection to the tenant by insuring that an improper lockout does not take place.

It is my belief that when a tenant has lost in court and has not taken an appeal, there is no legitimate interest that would be served by allowing the tenant to live in his/her apartment rent-free. This "carrying cost" is eventually passed on to the other tenants that are paying their rent, in the form of higher rental payments. In addition the delay in evicting the tenant that is created often results in destruction of the property by the tenant and greater cost to the landlord.

If you are interested in joining me as a co-sponsor of this legislation, please contact Melissa Knepper at mknepper@pasen.gov or by phone at 717-772-2929.