

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 257 Session of
2003

INTRODUCED BY WAUGH, LAVALLE, MOWERY, DENT, ARMSTRONG, RHOADES,
RAFFERTY, SCARNATI, CORMAN AND THOMPSON, FEBRUARY 10, 2003

REFERRED TO URBAN AFFAIRS AND HOUSING, FEBRUARY 10, 2003

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 writ of possession.

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

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

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

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

18 (2) for damages, if any, for the unjust detention of the
19 demised premises; and

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

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

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

27 (d) After the tenth day, but prior to executing on a writ
28 for possession which was entered solely because of a failure to
29 pay rent, the landlord must 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 Section 2. This act shall take effect in 60 days.