

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1715 Session of 2015

INTRODUCED BY PETRI, D. COSTA, MILLARD, MILNE, SNYDER, STAATS, TRUITT AND WHEELAND, NOVEMBER 30, 2015

REFERRED TO COMMITTEE ON URBAN AFFAIRS, NOVEMBER 30, 2015

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," in recovery of possession, further
 6 providing for hearing, judgment, writ of possession and
 7 payment of rent by tenant.

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

10 Section 1. Section 503 of the act of April 6, 1951 (P.L.69,
 11 No.20), known as The Landlord and Tenant Act of 1951, added July
 12 6, 1995 (P.L.261, No.36), is amended to read:

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

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

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

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

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

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

28 (d) After the tenth day, but prior to executing on an order
29 for possession which was entered solely because of a failure to
30 pay rent, the landlord shall file with the court an affidavit

1 that the tenant has not paid the judgment amount plus costs and
2 has not petitioned for an appeal of the judgment.

3 (e) The time periods under subsections (b) and (c) shall run
4 concurrently with the time period for appeal under section
5 513(b).

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