

No. 1995-33

AN ACT

HB 926

Amending the act of April 6, 1951 (P.L.69, No.20), entitled "An act relating to the rights, obligations and liabilities of landlord and tenant and of parties dealing with them and amending, revising, changing and consolidating the law relating thereto," further providing for escrow accounts on appeals from certain judgments by lower courts.

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

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

Section 513. Appeal by Tenant to Common Pleas Court.—(a) *Every tenant who files an appeal to a court of common pleas of a judgment of the lower court involving an action under this act for the recovery of possession of real property or for rent due shall deposit with the prothonotary a sum equal to the amount of rent due as determined by the lower court. This sum representing the rent due or in question shall be placed in a special escrow account by the prothonotary. The prothonotary shall only dispose of these funds by order of court.*

(b) *Within ten days after the rendition of judgment by a lower court arising out of residential lease or within thirty days after a judgment by a lower court arising out of a nonresidential lease or a residential lease involving a victim of domestic violence, either party may appeal to the court of common pleas, and the appeal by the tenant shall operate as a supersedeas only if the tenant pays in cash or bond the amount of any judgment rendered by the lower court or is a victim of domestic violence and pays in cash any rent which becomes due during the court of common pleas proceedings within ten days after the date each payment is due into an escrow account with the prothonotary or the supersedeas shall be summarily terminated.*

(c) *Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.*

(d) *Upon application by the tenant, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to directly compensate those providers of habitable services which the landlord is required to provide under law or under the lease.*

(e) *As used in this section, the following words and phrases shall have the meanings given to them in this subsection:*

“Lower court.” District justice, magistrate or any other court having jurisdiction over landlord and tenant matters, excluding a court of common pleas.

“Victim of domestic violence.” A person who has obtained a protection from abuse order against another individual or can provide other suitable evidence as the court shall direct.

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

APPROVED—The 26th day of September, A.D. 1995.

THOMAS J. RIDGE