

Rule 514.1. Domestic Violence Affidavit.

[A.](a)[A] Time to File. Within 30 days after the entry of judgment for possession by the magisterial district judge, the tenant in a residential lease action who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court **[in order] to** stay the execution of an order for possession, subject to the limits of subdivision (c).

[B.](b) Form of Affidavit. The domestic violence affidavit shall be on a form prescribed by the State Court Administrator and shall require the tenant to affirm that he or she is a victim of domestic violence.

[C.](c) Length of Stay. The filing of the domestic violence affidavit with the magisterial district court shall stay the execution of an order for possession **for up to 30 days after entry of the judgment by the magisterial district judge.** The stay will terminate as of the earliest of:

- (1)** the filing of an appeal with the prothonotary pursuant to **[Rule 1002,] Pa.R.Civ.P.M.D.J. 1002B(2);**
- (2)** 30 days after the date of entry of the judgment[, **by the magisterial district judge;** or
- (3)** by order of the court of common pleas[, **whichever is earlier].**

[D.](d) Docket. The magisterial district court shall enter the domestic violence affidavit on the docket of the residential lease action.

[E.](e) Service on Landlord. The magisterial district court shall serve a copy of the domestic violence affidavit on the landlord by mailing it to the landlord at the address as listed on the complaint form filed in the magisterial district court or as otherwise appearing in the records of that office, or the attorney of record, if any, of the landlord.

[F.](f) Appeal. The tenant shall attach a copy of the domestic violence affidavit to an appeal filing made pursuant to **[Rule 1002] Pa.R.Civ.P.M.D.J. 1002B(2)(a).**

[G.](g) Confidentiality. The domestic violence affidavit is not a public record and it shall not be **[publically] publicly** accessible.

[Official Note:] Comment: The appeal period for a tenant who is a victim of domestic violence in a case arising out of a residential lease is 30 days. See **[Rule 1002B(2)] Pa.R.Civ.P.M.D.J. 1002B(2)(a)**; see *also* **[68 P.S. § 250.513] 68 P.S. § 250.513(b)**. A tenant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court to prevent the execution of an order for possession prior to filing an appeal. The filing of the affidavit will prohibit the execution of an order for possession until after the 30th day following the date of entry of judgment, giving the tenant time to make the necessary appeal filing with the prothonotary pursuant to **[Rule 1002] Pa.R.Civ.P.M.D.J. 1002B(2)(a)**. If the tenant does not file a domestic violence affidavit with the magisterial district court within 21 days following the date of entry of judgment, the tenant is at risk of eviction. **The domestic violence affidavit may only be filed during the period between the entry of the judgment in the magisterial district court and the filing of an appeal with the prothonotary, but no later than 30 days after the date of judgment.**

The domestic violence affidavit set forth in **[subdivision B] subdivision (b)** shall contain the name of the tenant who is a victim of domestic violence, the name of the perpetrator, the perpetrator's relationship to the tenant **[who is a victim of domestic violence]**, and the docket number for any protection from abuse case involving the tenant who is a victim of domestic violence and the perpetrator. The affidavit shall contain the tenant's verification that the statements made in the affidavit are true and correct to the best of the tenant's knowledge, information, and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

No posting of money or bond is required to obtain a stay with the filing of a domestic violence affidavit. However, upon the filing of an appeal pursuant to **[Rule 1002] Pa.R.Civ.P.M.D.J. 1002B(2)(a)**, the stay is lifted, and the *supersedeas* requirements of **[Rule 1008] Pa.R.Civ.P.M.D.J. 1008** shall apply.

If the landlord wishes to challenge the affidavit of domestic violence, the landlord shall only do so by filing an appropriate motion in the court of common pleas. No action challenging the domestic violence affidavit on any grounds shall be filed in the magisterial district court.

This rule establishes that the domestic violence affidavit is not a public record and shall not be **[publically] publicly** accessible. See *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, Section 9.0F.