

SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Civ.P.M.D.J. 519.1

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 519.1, pertaining to a determination of abandonment of a manufactured home, for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to include the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by **April 6, 2026**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee,

Hon. Alexandra Kokura Kravitz
Chair

Rule 519.1. Request for Determination of Abandoned Manufactured Home.

[A.](a) Generally. A landlord may request a determination that a manufactured home is abandoned by filing the request on a form prescribed by the State Court Administrator with the magisterial district court in the magisterial district where the manufactured home is located[.] together with:

- (1)** a copy of the judgment for recovery of possession of a manufactured home space on which the manufactured home is located entered by the magisterial district judge in favor of the landlord and proof of the execution of an order for possession made on the judgment; or
- (2)** the written statement of the tenant that he or she has physically or permanently vacated the manufactured home located on the manufactured home space, does not intend to return to it, and has given up all further rights or ownership interests in the manufactured home.

[B.] If the determination is not or cannot be made during a hearing for recovery of possession pursuant to this chapter, the]

(b) Hearing Date.

- (1)** For a request submitted pursuant to subdivision (a)(1), the magisterial district court shall set a hearing date that shall be not less than seven or more than fifteen days from the date the request is filed.
- (2)** For a request submitted pursuant to subdivision (a)(2), the magisterial district court shall set a hearing date to determine abandonment either:
 - (i)** at the same date and time as the hearing on the landlord's complaint to recover the real property; or
 - (ii)** in the same manner as subdivision (b)(1).

[C.](c)Service. The magisterial district court shall serve a copy of the request and the hearing notice on the tenant in the manner set forth in **[Rule 506]** Pa.R.Civ.P.M.D.J. 506.

[D.](d)Notice of Determination. The magisterial district judge shall promptly give or mail written notice of the determination to the parties[**in interest**]. Notice of the determination shall contain advice as to the right of the parties to file a **[Statement of Objection] statement of objection**, the time within which the statement must be filed, and that the statement is to be filed with the court of common pleas.

[E.](e)Statement of Objection. Any party aggrieved by a determination made by a magisterial district judge under this rule may obtain a reconsideration thereof in the court of common pleas by filing a statement of objection to the determination pursuant to **[Rule 1016] Pa.R.Civ.P.M.D.J. 1016** with the prothonotary and with the magisterial district **[judge in whose office] court where** the determination was made.

[Official Note: This rule was adopted in 2013 to accommodate the provisions of Section 10.1 of the Act of November 24, 1976, P.L. 1176, No. 261, added by Section 2 of the Act of October 24, 2012, P.L. 156, § 2, 68 P.S. § 398.10.1, which provides for]
Comment: See 68 P.S. § 398.10.1 (authorizing a magisterial district judge to [hold a hearing and] make a determination that a manufactured home is abandoned).

A manufactured home space is defined as “a plot of ground within a manufactured home community designed for the accommodation of one manufactured home” See 68 P.S. § 398.2. For purposes of this rule, “tenant” means a “lessee” or “resident.” *Id.* Likewise, as used in this rule, “landlord” means a “manufactured home community owner or community owner” or a “manufactured home community operator or community operator.” *Id.*

If the tenant has not voluntarily abandoned the manufactured home, as evidenced by a written statement made pursuant to 68 P.S. § 398.10.1(a)(2), the landlord shall obtain a judgment for recovery of possession of the manufactured home space and execute on that judgment prior to filing the request for the determination of abandonment. See 68 P.S. § 398.10.1(a)(1)(i)–(a)(1)(ii). The landlord must pay any fees or costs at the time of filing the request.

[Rules 1016-1020 Pa.R.Civ.P.M.D.J. 1016 – 1020, providing for the filing and consideration of a statement of objection to an order or determination made by a magisterial district judge under Rule 420, also apply to determinations made [under] pursuant to this rule. [A party seeking reconsideration of a determination of abandonment made concurrent with a judgment for possession must file the statement of objection in addition to the notice of appeal. Rule 1016B] Pa.R.Civ.P.M.D.J. 1016B requires that the statement of objection must be filed with the prothonotary and the magisterial district **[judge] court within [10] **ten** days after the date of the determination to which objection is made. Both appeals from judgments for**

possession under residential leases and statements of objections to determinations of abandonment must be made within **[10] ten** days after the date of entry.

SUPREME COURT OF PENNSYLVANIA
Minor Court Rules Committee

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P.M.D.J. 519.1

The Minor Court Rules Committee (“Committee”) is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 519.1, pertaining to a determination of abandonment of a manufactured home.

Background

The Manufactured Home Community Rights Act (“MHCRA”), 68 P.S. §§ 398.1 – 398.17, includes provisions for a determination of abandonment of a manufactured home located in a manufactured home community by a magisterial district court. See 68 P.S. § 398.10.1. Pa.R.Civ.P.M.D.J. 519.1 was adopted by the Court to provide a procedural mechanism for such determinations. See 44 Pa.B. 14 (January 4, 2014). A determination that a manufactured home has been abandoned means the manufactured home community owner or operator may act with respect to the abandoned manufactured home including, but not limited to, entering and securing the manufactured home, disconnecting it from utilities, and disposing of property subject to certain restrictions. See 68 P.S. § 398.10.2(a). Notably, § 398.10.1 requires judgment and execution of an order of possession for the manufactured home space upon which the manufactured home is located, rather than for the manufactured home itself.

The Committee received a request to review Pa.R.Civ.P.M.D.J. 519.1 for conformity with § 398.10.1. Specifically, it was noted that Rule 519.1 currently permits the determination of abandonment proceeding to occur at the same time as the hearing for the recovery of real property. See Pa.R.Civ.P.M.D.J. 519.1B. In contrast, § 398.10.1 provides that a “lessee or resident” of a manufactured home community, *i.e.*, tenant, will be deemed to have abandoned his or her manufactured home and the personal property within in one of two ways. First, the determination of abandonment may be made via judicial process, which includes: (1) entry of a judgment in favor of the “community owner or operator,” *i.e.*, landlord, of the manufactured home space where the manufactured home is located; (2) the execution of an order for possession on the judgment; and (3) a determination by the magisterial district court that the home and property has been abandoned. See 68 P.S. § 398.10.1(a)(1). Alternatively, the tenant may “voluntarily” abandon the manufactured home by making a written statement that the tenant has “physically or permanently vacated the home, does not intend to return to it, and has given up all further rights or ownership interest.” *Id.* at (a)(2).

In MHCRA, a “lessee” or “resident” mean a person who rents a manufactured home space from a lessor pursuant to the terms of a lease or an owner of a manufactured home who leases or rents space in a manufactured home community, respectively. See 68 P.S. § 398.2. Likewise, a “manufactured home community owner or “community owner” or a “manufactured home community operator or community operator” means a person or entity that owns a manufactured home community or a person or entity that conducts the operations of a manufactured home community on behalf of and as the agent of the community owner. *Id.* The Committee does not anticipate recommending amendments to modify the references to landlord and tenant in the rule to maintain consistency with other procedural rules pertaining to landlord-tenant matters and appeals.

Proposed Rules Changes

After comparing the statute and the current rule, the Committee concluded that Rule 519.1 would benefit from amendments to conform it with § 398.10.1(a)(1). Because the execution on an order for possession is a component of a determination of abandonment, it seems premature for the landlord to obtain a determination of abandonment for the manufactured home without retaking, via execution, possession of the manufactured home community space on which the manufactured home is located. In other words, because a judgment for possession and execution on the judgment are necessary elements of a determination of abandonment, it is not possible to hold the hearing for possession and the determination of abandonment concurrently. Therefore, proposed Pa.R.Civ.P.M.D.J. 519.1(a)(1) requires the landlord to attach a copy of the judgment for possession entered by the magisterial district judge in favor of the landlord together with proof of the execution of an order for possession made on the judgment.

The Committee also observed that current Pa.R.Civ.P.M.D.J. 519.1, as drafted, does not address the concept of voluntary abandonment. While § 398.10.1 does not explicitly require a memorialization of a voluntary abandonment by the magisterial district court, the Committee believes it may be useful to incorporate it in the rule to provide further documentation for the Pennsylvania Department of Transportation and other entities that may be involved after the determination of abandonment is made. See, e.g., 68 P.S. § 398.10.2(f)(1) (pertaining to the sale of a manufactured home following a determination of abandonment). This is reflected in proposed Pa.R.Civ.P.M.D.J. 519.1(a)(2), which permits the landlord to provide the tenant’s written statement of abandonment with the request for a determination of abandonment hearing.

To accurately reflect the terminology of MHCRA, cross-references to 68 P.S. § 398.2 were added to the commentary regarding the use of the terms “landlord” and “tenant” in Rule 519.1. The new commentary also includes a definition of “manufactured home space.”

The Committee is also considering deleting the phrase “parties in interest” in favor of a reference to the “parties.” The phrase “parties in interest” appears misplaced in this rule because there is no opportunity for a such a person or entity to raise a claim in the proceeding. The Committee specifically invites comments regarding this proposed change.

Finally, stylistic changes were made throughout the rule, including, but not limited to, the addition of subdivision titles.

The Committee welcomes all comments, concerns, and suggestions regarding this proposal.