

**SUPREME COURT OF PENNSYLVANIA
MINOR COURT PROCEDURAL RULES COMMITTEE**

ADOPTION REPORT

**Amendment of Rules 210, 305, 318, 504, 506, and 507 and
Adoption of Rule 513.1 of the Pennsylvania Rules of Civil Procedure Governing
Actions and Proceedings Before Magisterial District Judges**

On April 25, 2024, the Supreme Court amended Rules 210, 305, 318, 504, 506, and 507 and adopted Rule 513.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges, pertaining to notices and intervention in landlord-tenant actions. The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Intervention

The Committee considered the situation of an individual in possession of a property who is not named in the complaint when a landlord-tenant action is commenced. Prior to these rule changes, the individual would not receive service of the complaint and may be unaware of the landlord's efforts to recover possession of the property. Even if the individual became aware of the action, former Pa.R.Civ.P.M.D.J. 210(2) specifically prohibited adding a party to an action after filing of the complaint. Cf. Pa.R.Civ.P. 2327 (establishing grounds for a party to intervene). The Committee discussed if Pa.R.Civ.P.M.D.J. 210 would benefit from a limited exception permitting an individual to file an intervention request in a landlord-tenant action for the purpose of defending his or her interests in remaining in the property.

The Committee recognizes that individuals can be in possession of property under myriad circumstances, ranging from squatting to being a named party on a lease. Individuals on this continuum will have varying degrees of rights consistent with their status. For example, a squatter will have no statutory or due process rights relative to the property while a tenant who is a party to a lease will have all the protections of the Landlord and Tenant Act, 68 P.S. §§ 250.101–250.602, as well as due process protections. The Committee examined whether an occupant of property who is a “tenant” should be permitted to intervene in the action and assert his or her rights even if not named in the complaint.

New Pa.R.Civ.P.M.D.J. 513.1 permits the filing of an intervention request in a landlord-tenant action. The requester must aver that he or she is a tenant of the landlord, the length of time the requester has occupied the property, to whom the requester has

paid rent for the property, and if the requester is a party to a lease for the property with the landlord. See Pa.R.Civ.P.M.D.J. 513.1(b). The requester may file the intervention request up to the time of the hearing. See Pa.R.Civ.P.M.D.J. 513.1(a). Upon receipt of the intervention request, the magisterial district court will serve the request upon the parties to the action. See Pa.R.Civ.P.M.D.J. 513.1(d).

The magisterial district court will hold a hearing on the intervention request. See Pa.R.Civ.P.M.D.J. 513.1(e). The requester must testify and present evidence demonstrating that he or she has a tenant relationship with the landlord and is entitled to intervene in the matter. If the magisterial district judge grants the request to intervene in the action, the requester is added to the action as a tenant and the action will proceed. See Pa.R.Civ.P.M.D.J. 513.1(f). However, a requester who is added as a tenant in an action may be liable for any judgment in favor of the landlord, *e.g.*, property damage, back rent, court costs and fees.

If the requester has a claim against the landlord arising out of the occupancy of the premises and within the jurisdictional limits of the magisterial district court, the requester may concurrently file a cross-complaint against the landlord together with the intervention request. See Pa.R.Civ.P.M.D.J. 513.1(g). If the intervention request is granted, the magisterial district court will hold a hearing on the cross-complaint at the same time as the underlying action. An intervenor is not permitted to file a cross-complaint against a tenant. Instead, the intervenor must file a separate action against a tenant.

Corollary amendments were made to Pa.R.Civ.P.M.D.J. 210, 504, 506, and 507. Pa.R.Civ.P.M.D.J. 210(b) establishes an exception to the general rule prohibiting the addition of parties after the complaint is filed and cross-references new Pa.R.Civ.P.M.D.J. 513.1. The “Notice to Tenant” set forth in Pa.R.Civ.P.M.D.J. 504 was revised to address intervention by an occupant and a cross-complaint by an intervenor. Pa.R.Civ.P.M.D.J. 506 was revised to require conspicuous posting of the complaint on the premises in all instances, even if personal service on a tenant is achieved. Requiring posting of all complaints is intended to provide an occupant with a reasonable opportunity to learn of a possessory action. Pa.R.Civ.P.M.D.J. 506 was amended to provide examples of minimally expected efforts to obtain personal service upon a tenant. Finally, Pa.R.Civ.P.M.D.J. 507 requires the sheriff or constable to document unsuccessful efforts at personal service in an effort to provide greater transparency.

Notices to Defendants and Tenants

The Committee examined measures intended to increase the numbers of defendants and tenants who timely respond to the complaint and notify the court of their intent to appear at the hearing, as well as to clarify notice language.

In civil actions, Pa.R.Civ.P.M.D.J. 305(d) provides for a “Notice to Defendant,” which is served on each defendant. It was amended as follows:

- directs the defendant to notify the court in writing of his or her intention to defend against the complaint;
- identifies consequences if a party fails to appear at the hearing; and
- advises the defendant to contact the county bar association or legal services agency for information about hiring an attorney.

A new form, “Notice of Intent to Defend,” will be included with the civil complaint served on defendants. It will provide a defendant with a convenient method to notify the court of the defendant’s intention to appear at the hearing. A written and signed statement identical in content to the court-provided form is also acceptable. See Pa.R.Civ.P.M.D.J. 305(e), cmt. The comment to Pa.R.Civ.P.M.D.J. 318 was similarly amended.

Similar changes were made to Pa.R.Civ.P.M.D.J. 504(d), pertaining to landlord-tenant actions. The “Notice of Intent to Defend” is not referenced in Pa.R.Civ.P.M.D.J. 504 because the landlord must appear at the hearing. See Pa.R.Civ.P.M.D.J. 512B.

The Committee published a proposal pertaining to interventions and notices for public comment at 51 Pa.B. 1506 (March 20, 2021). The comment period ran through May 19, 2021. The Committee made post-publication changes to the proposal.

These rule changes become effective on January 1, 2025.