

## INTRODUCTION

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt amendments to Rules 506, 1016, 1018 and the official note to Rule 1019, as well as adopt a new rule, Rule 519.1 of the Minor Court Civil Rules. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are bold and bracketed.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Pamela S. Walker, Counsel  
Supreme Court of Pennsylvania  
Minor Court Rules Committee  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9546  
or email to: [minorrules@pacourts.us](mailto:minorrules@pacourts.us)

no later than August 9, 2013.

May 28, 2013

**BY THE MINOR COURT RULES COMMITTEE:**

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**Mary P. Murray, Chair**

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**Pamela S. Walker**  
**Counsel**

## **REPORT**

### **Proposed Amendments to Rules 506, 1016, 1018 and the Official Note to Rule 1019, and Proposed New Rule 519.1 of the Minor Court Civil Rules**

#### **DETERMINATION OF ABANDONMENT OF MANUFACTURED HOMES**

##### **I. Introduction**

The Minor Court Rules Committee (“Committee”) is proposing amendments to the rules of procedure governing actions in magisterial district courts. The goal of these rule changes is to establish procedures for the determination of abandoned manufactured homes, as provided for in the 2012 amendments to the Manufactured Home Community Rights Act,

##### **II. Discussion**

In 2012, the Manufactured Home Community Rights Act (“MHCRA”) was amended to provide for the determination in the magisterial district courts of abandonment of manufactured homes located in manufactured home communities. 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. Upon reviewing the amendments to the MHCRA, the Committee concluded that this new determination action was not covered by existing rules governing civil or landlord tenant actions, and proceeded to draft rules accommodating it.

##### **III. Proposed Rule Changes**

Proposed new Rule 519.1 establishes procedures for the new determination of abandonment action. Proposed Rule 519.1B provides for the setting of a hearing date, if the determination cannot be made at the time of the hearing for recovery of possession of the manufactured home space. Proposed Rule 519.1C provides for service of the request and hearing notice on the defendant, while subdivision D requires that the magisterial district judge promptly give or mail written notice of the determination to the parties in interest. Finally, in proposed subdivision E, if a party is aggrieved by a determination made by a magisterial district judge under this rule, the Committee proposes utilizing the existing procedures set forth in Rules 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.

The proposed amendments to Rules 1016, 1018, and 1019 are to include references to Rule 519.1 and the determination of abandoned manufactured homes in those rules, which set forth the procedures for filing a statement of objection. Finally,

the Committee proposes amending Rule 506, providing for service of the complaint in a landlord-tenant action, to clarify that the copy sent via first class mail should be mailed to the defendant's last known address.