

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

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Amendment of Pa.R.C.P.M.D.J. No. 207**

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 207, addressing representation of parties in magisterial district court proceedings, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 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 reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text of the proposal 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:

**Pamela S. Walker, Counsel  
Minor Court Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9526  
minorrules@pacourts.us**

All communications in reference to the proposal should be received by April 29, 2015. 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,

Bradley K. Moss  
Chair

# REPORT

## Proposed Amendment of Pa.R.C.P.M.D.J. No. 207

### REPRESENTATION IN MAGISTERIAL DISTRICT COURT PROCEEDINGS

#### I. Introduction

The Minor Court Rules Committee (“Committee”) is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. No. 207. This rule addresses representation of parties in magisterial district court proceedings. The Committee is proposing to add a “body corporate and politic” as a named entity under Rule 207, and specifying who may provide representation to such a body.

#### II. Discussion

Currently, Rule 207 establishes who may represent a party in a magisterial district court proceeding. Rule 207 provides guidance with respect to representation of individuals, partnerships, corporations or similar entities, and unincorporated associations. See Rule 207(A). In addition to representation by attorneys, entities may be represented by partners, employees, authorized agents, or officers. See Rule 207(A)(2)-(3).

The Committee was forwarded correspondence from the solicitor for a county housing authority. The solicitor wrote that the county housing authority was experiencing difficulties having a property manager file a complaint and represent the county housing authority in a landlord tenant matter because the county housing authority did not fit squarely into one of the categories set forth in Rule 207.

The Housing Authorities Law defines a county housing authority as “a public body and body corporate and politic.” See 35 P.S. § 1543(a). A subsequent section of the Housing Authorities Law further provides that “[a]n authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof...” See 35 P.S. § 1550(t). The phrase “body corporate and politic” appears throughout Pennsylvania statutes to define a wide range of entities, including municipal authorities (1 Pa.C.S. § 1991), conservation districts (3 P.S. § 853), and redevelopment authorities, (35 P.S. § 1703).

The Committee reviewed the solicitor’s correspondence, and agreed that current Rule 207 does not include a body corporate and politic, such as a county housing authority. The Committee did not find a reason to exclude a county housing authority or a similar entity from the provisions of Rule 207, and proposes adding a body corporate and politic to Rule 207, as well as a provision to the Official Note to give an example of such an entity.

### **III. Proposed Changes**

The Committee plans to propose the amendment of Rule 207 by adding “a body corporate and politic” to the entities enumerated in paragraph (A)(3) of the rule. The Committee will also propose amending the Official Note to add a reference to a body corporate and politic, as well as to name a county housing authority as an example of such an entity.