



PHILADELPHIA BAR ASSOCIATION

Gaetan J. Alfano
CHANCELLOR

Pietragallo Gordon Alfano Bosick & Raspanti, LLP | 1818 Market Street | Suite 3402
Philadelphia, Philadelphia, PA 19103
Phone: 215-988-1441 | Fax: 215-981-0082 | E-mail: GJA@Pietragallo.com

September 20, 2016

Honorable Scott A. Petri, Chair
House Urban Affairs Committee
107 Ryan Office Building
P.O. Box 202178
Harrisburg, PA 17120-2178

Honorable Thomas R. Caltagirone, Chair
House Urban Affairs Committee
106 Irvis Office Building
P.O. Box 202127
Harrisburg, PA 17120-2127

Re: House Bill 1715

Dear Chairs Petri and Caltagirone:

On behalf of the 12,000 members of the Philadelphia Bar Association, I am writing in opposition to House Bill 1715, which would shorten the time period for eviction of residential tenants from the current twenty-one days to eleven days. We strongly oppose this legislation because of its intrusion into the exclusive rule making power of the Pennsylvania Supreme Court. We also oppose this legislation because of the human suffering, family disruption and financial damage many Pennsylvanians will experience if this law is enacted.

Article 5, Section 10(c) of the Pennsylvania Constitution provides that the Supreme Court has authority to establish rules for enforcing judgments for all courts of the Commonwealth. House Bill 1715 intrudes on that Constitutional authority by effectively changing court rules legislatively.

The unusually short time period of ten days for an appeal from a judgment of possession in a residential landlord tenant dispute provided in Pennsylvania Rules of Civil Procedure 1002 contemplates that under the Landlord Tenant Act of 1951, the landlord is unable to file a request for order of possession until after the appeal period has lapsed. At that point, the eleven day time period before the writ of possession may be executed would begin. The amendment to the Landlord Tenant Act of 1951 proposed in House Bill 1715 would allow the ten day appeal period and the eleven day time period before the writ can be executed to run simultaneously, contrary to the intent of the Supreme Court in formulating Rule 1002.

House Bill 1715 will increase homelessness because of the difficulty of finding alternative housing in only eleven days. Homelessness may lead to unemployment, as lack of a permanent address or facilities to prepare for work can render a person

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1101 Market Street | 11th Floor | Philadelphia, PA 19107-2955
215-238-6300 | Fax: 215-238-1159 | philadelphiabar.org

unemployable. Lack of shelter can cause the disruption and even destruction of families through the loss of child custody because the parent has no home. In addition to the human suffering, homelessness also creates a strain on public finances as government agencies must try to deal with the resulting social problems.

The Philadelphia Bar Association has for at least two decades strongly opposed legislative attempts to shorten the time for eviction in residential leases. We do so again and strongly urge you to oppose House Bill 1715.

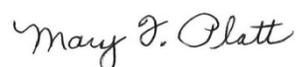
Respectfully,



Gaetan J. Alfano
2016 Chancellor



Deborah R. Gross
2016 Chancellor-Elect



Mary F. Platt
2016 Vice Chancellor