

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

PHILADELPHIA MUNICIPAL COURT

General Court Regulation

No. 01 of 2017

In re: Amendment of Philadelphia Municipal Court Civil Rule 109. Contents of Complaints

ORDER

AND NOW, this 8th day of November, 2017, the Board of Judges of the Philadelphia Municipal Court having voted to rescind subsection (c) of current Municipal Court Local Rule 109 and to adopt in its place Local Rule 109 (c) as attached, it is hereby ORDERED and DECREED that current Municipal Court Local Rule 109 (c) is rescinded and Municipal Court Local Rule 109 (c) is amended as attached, effective January 2, 2018.

As required by Pa.R.J.A. 103(d), this General Court Regulation and the attached local rule were submitted to the Supreme Court of Pennsylvania Minor Court Rules Committee and Civil Procedural Rules Committee for review. Written notification has been received certifying that the attached local rule is not inconsistent with any general rule of the Supreme Court. This General Court Regulation and the attached local rule shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for General Court Regulations issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this General Court Regulation and the attached local rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this General Court Regulation and attached local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the General Court Regulation and local rule shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media, Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ Marsha H. Neifield

HONORABLE MARSHA H. NEIFIELD

President Judge

Philadelphia Municipal Court

Rule 109. Contents of Complaints.

c. Landlord/Tenant Complaint.

1. An action by a landlord against a tenant for the recovery of possession of the leased property, unpaid money due under the lease, and/ or as a result of alleged damage to the leased property shall be made in writing on a form complaint approved by the court.
2. The plaintiff or the plaintiff's agent, power of attorney, authorized representative or attorney shall sign and verify the complaint as follows:

The facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

3. The complaint shall set forth:
 - (a) The names, street and email addresses of the parties and of any counsel representing the parties;
 - (b) The location and the address of the leased property, possession of which the plaintiff is seeking;
 - (c) That the plaintiff is the owner of the leased property;
 - (d) That the plaintiff leased the property for a specified term to the defendant or to some other person under whom the defendant claims a leasehold interest;
 - (e) That notice to vacate was provided to the defendant in accordance with law or that no notice was required under the terms of the lease;
 - (f) That rent reserved and due, upon demand, remains unsatisfied, that the term for which the property was leased has been terminated by the plaintiff or ended, that a forfeiture has resulted by reason of a breach of a condition of the lease other than nonpayment of rent, and/or that the defendant is responsible for damages to the leased property or the plaintiff's personal property;
 - (g) That the defendant retains possession of the leased property and refuses to surrender possession of the leased property;
 - (h) The amount of rent, if any, which remains due and unpaid on the date the complaint is filed, whatever additional rent remains due and unpaid on the date of the trial, and/or the amount, if any, claimed for damages to the leased property and/or the plaintiff's personal property;
 - (i) That, if applicable, the case involves a subsidized lease or a Low Income Tax Credit unit;
 - (j) That, if applicable, the landlord is in compliance with the requirements of those sections of the Philadelphia Code that relate to Certificates of Rental Suitability, the City of Philadelphia Partners for Good Housing Handbook and Rental Licenses;
 - (k) Pertinent information relating to the City of Philadelphia's Lead Paint Disclosure Law; and

- (l) Pertinent information relating to the fitness of the leased property for its intended purpose and to any notices of Philadelphia Code violations issued by the Department of Licenses and Inspections.
4. Attached to the complaint shall be:
- (a) A copy of any written lease or a statement as to why a written lease is unavailable;
 - (b) A copy of the Rental License which was in force during any time that the plaintiff is seeking to collect rent and is in force at the time of filing;
 - (c) A copy of the Certificate of Rental Suitability that was provided to the defendant;
 - (d) A copy of any notice to vacate that was provided to the defendant;
 - (e) A copy, if applicable, of any relevant power of attorney, authorized representative form or other document showing that the person who verifies the complaint is authorized by the plaintiff to do so.