

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

No. 4 of 2023

President Judge General Court Regulation

In re: Adoption of Philadelphia Court of Common Pleas Civil Rules *1001 et. seq., *1008, and *1302

ORDER

AND NOW, this 17th day of February, 2023, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on February 16, 2023, to adopt Philadelphia Court of Common Pleas Civil Rules *1001 et. seq., *1008, and *1302, as attached to this Order, and, as required by Pa.R.J.A. 103, the Supreme Court Civil Procedural Rules Committee has reviewed the attached local rules, has determined that Rules *1001 et. seq., *1008, and *1302 are not inconsistent with applicable statewide rules, and has authorized their promulgation.

NOW, therefore, it is hereby ORDERED and DECREED that Philadelphia Court of Common Pleas Civil Rules *1001 et. seq., *1008, and *1302 are adopted, as attached, effective thirty days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rule which follows this Order was submitted to the Supreme Court of Pennsylvania Civil Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the local rule is not inconsistent with any general rule of the Supreme Court. This Order 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 Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and 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 Administrative Order and local rules 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/ Idee C. Fox

HONORABLE IDEE C. FOX
President Judge, Court of Common Pleas
Philadelphia County

PROPOSED PHILADELPHIA CIVIL RULE * 1001 GENERAL PROVISIONS APPLICABLE TO MUNICIPAL COURT APPEALS

The following categories of Municipal Court Orders are directly appealable to the Court of Common Pleas:

- (a) Small Claim Money Judgments.** Final orders issued by the Municipal Court in connection with (i) civil actions pursuant to 42 Pa.C.S. § 1123 (a)(4) (where the sum demanded does not exceed \$12,000); (ii) civil actions pursuant to 42 Pa.C.S. § 1123 (a)(6) (where the sum demanded does not exceed \$15,000 in matters involving judgments of real estate taxes and school taxes); and (iii) code enforcement actions. The procedure for these appeals is set forth in Rule *1001.1.
- (b) Landlord-Tenant Matters.** Orders in Landlord-Tenant matters pursuant to 42 Pa.C.S. § 1123 (a)(3). The procedure for these appeals is set forth in Rule *1001.2.
- (c) Supplementary Orders.** Orders granting or denying a petition to open a default judgment and any other post-judgment orders. The procedure for these appeals is set forth in Rule *1001.3.
- (d) Nuisance.** Final orders issued by the Municipal Court in connection with actions to enjoin a nuisance pursuant to 42 Pa.C.S. § 1123 (a)(7) and (8). The procedure for these appeals is set forth in Rule *1001.4.

Explanatory Comment: A default judgment in Municipal Court is not directly appealable to the Court of Common Pleas.

The following words as used in these Rules shall have the meanings as set forth below:

“Appellant” is the party appealing from Municipal Court, regardless of whether the party was the Plaintiff or Defendant in the Municipal Court.

“Appellee” is the non-appealing (or opposing party) in Municipal Court, regardless of whether the party was the Plaintiff or Defendant in the Municipal Court.

“Complaint” is the pleading to be filed in the Court of Common Pleas as defined by Pa. R. Civ. P. 1017 through 1034.

“Statement of Claim” is the Municipal Court complaint, as defined in Phila. Mun. Ct. Rule 109.

**PROPOSED PHILADELPHIA CIVIL RULE * 1001.1 MUNICIPAL COURT APPEALS –
SMALL CLAIM MONEY JUDGMENTS (NON-LANDLORD-TENANT)**

- (a) Small Claim Money Judgments.** Final orders issued by the Municipal Court in connection with money judgments are appealable to the Court of Common Pleas. The proceeding on appeal shall be conducted *de novo* – meaning that the case starts over and may proceed to a new trial – in accordance with the applicable Rules of Civil Procedures as if the action was initially commenced in the Court of Common Pleas.
- (b) Notice of Appeal.** A Notice of Appeal, substantially in the form set forth below as *Attachment 1*, shall be filed with the Court of Common Pleas Office of Judicial Records, within 30 days after the date of the entry of a judgment for money on the dockets of the Municipal Court.
- (c) Filing Fee.** Appellant must pay the filing fee as set forth in the Court of Common Pleas Office of Judicial Records Fee Schedule.
- (d) Supersedeas (Stay).** Notice of the filing of the Notice of Appeal will be served on the Philadelphia Municipal Court electronically by the Court of Common Pleas. Service of a copy of the Notice of Appeal on the Municipal Court operates as a supersedeas (that is, a stay of the judgment so that judgment cannot be executed) pursuant to Rule *1008.
- (e) Service.** The Notice of Appeal shall be served on the Appellee (opposing party) as provided by the rules applicable to service of original process in Philadelphia County, as set forth in Pa.R.Civ.P. 400.1.
- (f) Return of Service.** The Appellant must file a return of service (proof of service) as required by Pa.R.Civ.P. 405, and substantially in the form set forth in Attachment 2.
- (g) Pleadings and Legal Papers.**

 - (1) If the Appellant was the Plaintiff in the action before the Municipal Court, they shall file a Complaint within twenty (20) days after filing the Notice of Appeal.
 - (2) If the Appellant was the Defendant in the action before the Municipal Court, they shall file with the Notice of Appeal a Praecipe requesting the Court of Common Pleas Office of Judicial Records to enter a rule as of course upon the Appellee to file a Complaint within twenty (20) days after service of the rule or suffer entry of a judgment of non-pros (that is, a dismissal for failure to prosecute).
 - (3) When the Municipal Court has entered judgments in favor of both the Plaintiff and Defendant:

 - (i) If the Appellant appeals on both judgments, the Appellee may assert their claim in the Court of Common Pleas by pleading it as a Counterclaim, if allowed under Pa.R.Civ.P. 1031 (pertaining to Counterclaims).

- (ii) If the Appellant appeals only from the judgment on their Statement of Claim in Municipal Court, the Appellee may file their own appeal from the judgment on their Statement of Claim in Municipal Court at any time within thirty (30) days after the date on which the Appellant served a copy of their Notice of Appeal upon the Appellee.

Explanatory Note: *Pa.R.C.P.M.D.J. 1004 is the source of section (g).*

- (4) All legal papers and proceedings that follow shall comply with the Rules of Civil Procedures that would be applicable if the action had been commenced in the Court of Common Pleas.

(h) Hearing or Trial. Appeals filed pursuant to Rule *1001.1 shall be scheduled for a hearing at the Arbitration Center, and the case shall proceed as an “Arbitration” Case Type (*See also* Pa.R.Civ.P. 1301, et seq.)

**PROPOSED PHILADELPHIA CIVIL RULE * 1001.2 — MUNICIPAL COURT
APPEALS –LANDLORD-TENANT CASES**

- (a) **Landlord-Tenant Matters.** Final orders issued by the Municipal Court in connection with Landlord – Tenant orders pursuant to 42 Pa.C.S. § 1123 (a)(3), are appealable to the Court of Common Pleas. The proceeding on appeal shall be conducted *de novo* – meaning that the case starts over and may proceed to a new trial – in accordance with the applicable Rules of Civil Procedures as if the action was initially commenced in the Court of Common Pleas.
- (b) **Notice of Appeal.** A Notice of Appeal, substantially in the form set forth below as *Attachment 1*, shall be filed with the Court of Common Pleas Office of Judicial Records, within the time periods set forth below:
- (1) **Residential lease, possession:** Within ten (10) days after the date of the entry of a judgment of possession of real property on the Municipal Court docket, if the appeal is for possession of real property only or for both possession and money judgment arising out of a residential lease.
 - (2) **Residential lease, money judgment:** Within thirty (30) days after the date of the entry of a judgment on Municipal Court dockets, if the appeal is money judgment only arising out of a residential lease. Notice of the filing of the Notice of Appeal will be served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System. Service of a copy of the Notice of Appeal on the Municipal Court operates as a supersedeas (stay of the judgment so that judgment cannot be executed) pursuant to Rule *1008.
 - (3) **Non-Residential/Commercial lease:** Within 30 days after the date of the entry on the dockets of the Municipal Court of judgment for money, or a judgment for possession of real property arising out of a Non-Residential or Commercial lease.
- (c) **Filing Fee.** Appellant must pay the filing fee as established by the Court of Common Pleas Office of Judicial Records.
- (d) **Supersedeas (Stay).** If a judgment is for possession in an appeal involving a residential or nonresidential lease, discussed in (b)(1) and (b)(3) above, Appellant must continue to satisfy all supersedeas requirements (*see* Rule * 1008) for possession while the case is pending in the Court of Common Pleas, unless otherwise directed by Court Order.
- If a judgment is for money only, discussed in (b)(2) above, service of a copy of the Notice of Appeal on the Municipal Court operates as a supersedeas (stay of the judgment so that judgment cannot be executed) pursuant to Rule *1008.
- (e) **Service.** The Notice of Appeal shall be served on the Appellee as provided by the rules applicable to service of original process in Philadelphia County, as set forth in Pa.R.Civ.P. 400.1. Notice of the filing of the Notice of Appeal will be served on the Philadelphia Municipal Court electronically.

(f) Return of Service. The Appellant must file a return of service (proof of service) as required by Pa.R.Civ.P. 405, and substantially in the form set forth in Attachment 2.

(g) Pleadings and Legal Papers.

- (1) A Municipal Court Plaintiff who appeals a judgment shall file a Complaint within twenty (20) days after filing the Notice of Appeal.
- (2) A Municipal Court Defendant who appeals a judgment shall file with the Notice of Appeal a Praecipe requesting the Court of Common Pleas Office of Judicial Records to enter a rule as of course upon the Appellee to file a Complaint within twenty (20) days after service of the rule or suffer entry of a judgment of non-pros.
- (3) When the Municipal Court has entered judgments in favor of both the Plaintiff and Defendant:
 - (i) If the Appellant appeals on both judgments, the Appellee may assert their claim in the Court of Common Pleas by pleading it as a Counterclaim, if allowed under Pa.R.Civ.P. 1031 (pertaining to Counterclaims).
 - (ii) If the Appellant appeals only from the judgment on their Statement of Claim in Municipal Court, the Appellee may file their own appeal from the judgment on their Statement of Claim in Municipal Court at any time within thirty (30) days after the date on which the Appellant served a copy of their Notice of Appeal upon the Appellee.

Explanatory Note: *Pa.R.C.P.M.D.J. 1004 is the source of section (g).*

- (4) All legal papers and proceedings that follow shall comply with the Rules of Civil Procedures that would be applicable if the action had been commenced in the Court of Common Pleas.

**PROPOSED PHILADELPHIA CIVIL RULE * 1001.3 — MUNICIPAL COURT
APPEALS – SUPPLEMENTARY ORDERS**

- (a) Supplementary Orders.** Orders granting or denying a Petition to Open a Default Judgment, and any other post-judgment orders, are appealable to the Court of Common Pleas, but the appeal is limited to a review of the record related to the Petition, not the merits of the underlying case.
- (b) Notice of Appeal.** A Notice of Appeal shall be filed with the Court of Common Pleas Office of Judicial Records, within 30 days after the date of the entry of the order on the dockets of the Municipal Court. *See* Attachment 1.
- (c) Filing Fee.** Appellant must pay the filing fee as established by the Court of Common Pleas Office of Judicial Records.
- (d) Supersedeas.** Notice of the filing of the Notice of Appeal will be served on the Philadelphia Municipal Court electronically by the Court of Common Pleas. Service of a copy of the Notice of Appeal on the Municipal Court does not operate as a stay of the judgment (supersedeas).
- (e) Service.** The Notice of Appeal shall be served on the opposing party in Municipal Court (Appellee) as provided by the rules applicable to service of original process in Philadelphia County, as set forth in Pa.R.Civ.P. 400.1.
- (f) Return of Service.** The Appellant must file a return of service (proof of service) as required by Pa.R.Civ.P. 405, and substantially in the form set forth in Attachment 2.
- (g) Pleadings and Legal Papers.**

 - 1. Within twenty (20) days of the filing of the Notice of Appeal, the Appellant must file a motion with the Court of Common Pleas Office of Judicial Records setting forth the relief requested, and shall attach:

 - (i) a copy of the Statement of Claim which initiated the case in the Municipal Court;
 - (ii) the stenographic record of the proceeding before the Municipal Court, if available, or proof that transcription of the stenographic record has been ordered; and
 - (iii) all other documents which may enable the Court to decide the issue presented.
 - 2. All legal papers and proceedings that follow shall comply with the Rules of Civil Procedures that would be applicable if the action being appealed was initially commenced in the Court of Common Pleas.
- (h) Hearing or Trial.** Appeals from Supplementary Orders pursuant to Rule *1001.3 shall

proceed as motions, pursuant to Pa.R.Civ.P. 208.1 et seq. and Phila.Civ.R. *208.2(c) et seq. The appeal shall be limited to a determination by the Court of Common Pleas whether the Municipal Court committed an error of law or abused its discretion in ruling upon the petition or motion which is the subject of the appeal. Upon issuance of a dispositive order by the Court of Common Pleas, the action may be remanded to the Municipal Court for further processing consistent with the order.

**PROPOSED PHILADELPHIA CIVIL RULE * 1001.4 — MUNICIPAL COURT
APPEALS – ACTIONS TO ENJOIN A NUISANCE**

(a) Nuisance. Final orders issued by the Municipal Court in connection with actions to enjoin a nuisance pursuant to 42 Pa.C.S. §1123(a)(7) and (8) are appealable to the Court of Common Pleas, but the appeal is limited to a review of the record.

Note: 42 Pa.C.S. §1123(a.1) provides that contempt orders issued in connection with nuisance actions shall be heard by the Superior Court of Pennsylvania.

(b) Notice of Appeal. A Notice of Appeal, substantially in the form set forth below as *Attachment 1*, shall be filed with the Court of Common Pleas Office of Judicial Records, within 30 days after the date of the entry of the order on the dockets of the Municipal Court.

(c) Filing Fee. Appellant must pay the filing fee as established by the Court of Common Pleas Office of Judicial Records.

(d) Supersedeas (Stay). Notice of the filing of the Notice of Appeal will be served on the Philadelphia Municipal Court electronically by the Court of Common Pleas. Service of a copy of the Notice of Appeal on the Municipal Court operates as a supersedeas (stay of the judgment so that judgment cannot be executed) pursuant to Rule *1008.

(e) Service. The Notice of Appeal shall be served on the opposing party in Municipal Court (Appellee) as provided by the rules applicable to service of original process in Philadelphia County, as set forth in Pa.R.Civ.P. 400.1.

(f) Return of Service. The Appellant must file a return of service (proof of service) as required by Pa.R.Civ.P. 405, and substantially in the form set forth in Attachment 2.

(g) Pleadings and Legal Papers.

(1) Within twenty (20) days of the filing of the Notice of Appeal, the Appellant must file a motion with the Court of Common Pleas Office of Judicial Records setting forth the relief requested, and shall attach:

- i. a copy of the Statement of Claim which initiated the case in the Municipal Court;
- ii. the stenographic record of the proceeding before the Municipal Court, if available, or proof that transcription of the stenographic record has been ordered; and
- iii. all other documents which may enable the Court to decide the issue presented.

(2) All legal papers and proceedings that follow shall comply with the Rules of Civil Procedures that would be applicable if the action being appealed was initially commenced

in the Court of Common Pleas.

(h) Hearing or Trial. Appeals filed pursuant to Rule *1001.4 to enjoin a nuisance shall proceed as motions, pursuant to Pa.R.Civ.P. 208.1 et seq. and Phila.Civ.R. *208.2(c) et seq. The appeal shall be limited to a determination by the Court of Common Pleas whether the Municipal Court committed an error of law or abused its discretion in ruling upon the petition or motion which is the subject of the appeal. Upon issuance of a dispositive order by the Court of Common Pleas, the action may be remanded to the Municipal Court for further processing consistent with the order.

PROPOSED PHILADELPHIA CIVIL RULE * 1001.5 – STRIKING APPEALS

(a) The Court of Common Pleas Office of Judicial Records may, upon presentation of a Praecipe by the moving party, strike any appeal from Municipal Court in Rules 1001(1-4):

(1) Upon failure of the Appellant, who was the Plaintiff in the Municipal Court action, to file a Complaint within twenty (20) days of the filing of the appeal as required by Rule 1001.1(g)(1) or Rule 1001.2(g)(1).

(2) Upon the failure of the Appellant, who was the Defendant in the Municipal Court action, to file a Rule as required by Rule 1001.1(g)(2) or Rule 1001.2(g)(2).

(3) Upon the failure of an Appellant to file a motion as required by Rule 1001.3(g)(1) or Rule 1001.4(g)(1).

(b) Appellant may file a motion to reinstate the appeal. The Court of Common Pleas may grant the relief either with or without a hearing, upon good cause shown.

Attachment 1

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

Plaintiff,	:	_____TERM, 200__
	:	
	:	NO. _____
	:	
v.	:	
	:	
Defendant.	:	_____

☐S.C. Number ☐CE Number ☐LT Number
Check One

NOTICE OF APPEAL
Municipal Court

_____, who was ☐ the plaintiff ☐ the defendant in the
Municipal Court action referenced above, files this Notice of Appeal of the Municipal Court's
order which was entered on the dockets of the Municipal Court on _____ as
follows:

- ☐ **Small Claim Money Judgment, *Rule 1001.1 only (30 days)**
- ☐ **Landlord-Tenant, residential lease, money judgment only, *Rule 1001.2 (30 days)**
- ☐ **Landlord -Tenant, residential lease: possession only or possession and
money judgment, *Rule 1001.2 (10 days)**
 - ☐ **Supersedeas is requested** ☐ **Supersedeas is not requested**
- ☐ **Landlord-Tenant, non-residential lease, possession or possession and
money judgment, Rule *1001.2 (30 days)**
- ☐ **Supplementary Order, *Rule 1001.3 only (30 days)**
- ☐ **Action to Enjoin a Nuisance, *Rule 1001.4 only (30 days)**

Date: _____

Signature

Address

City

State

Zip Code

Attachment 2

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION - CIVIL

v.

Plaintiff

_____ TERM, 20__

NO. _____

Defendant

RETURN OF SERVICE/AFFIDAVIT

I, _____, hereby certify that I served a true and correct copy of the Complaint / Notice of Appeal / Rule on _____,

(Insert Name of Party)

1) By handing a copy to the Defendant / Appellee, _____,

on the ____ day of _____, 20__, at _____ AM/PM, at

_____, Philadelphia, PA. /Or,

2) By handing a copy to _____, an adult

member of the family/adult person in charge of Defendant's / Appellee's residence,

on the ____ day of _____, 20__, at _____ AM/PM, at

_____, Philadelphia, PA.

I verify that the statements in this Return of Service are true and correct. I further verify that I am an adult over the age of 18 and not related to any party in this action.

I understand that this unsworn document contains statements that are made subject to the penalties of 18 P.C.S. §4904 relating to unsworn falsification to authorities.

Sworn to and Affirmed

This day 20

Notary Public
(SEAL)

(Sign)

(Print Name)

PHILADELPHIA CIVIL RULE *1008. MUNICIPAL COURT APPEALS AS SUPERSEDEAS.

(A) General Rule. Except as provided in section (B), (C) and (D) below, service of a copy of the Notice of Appeal on the Municipal Court through the Court's electronic filing system operates as a supersedeas. A supersedeas as used in this Rule is a stay of the judgment (so that judgment cannot be executed) in Municipal Court.

(B) Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Commercial/Non-Residential Leases (Pursuant to Local Rule 1001.2(b)(3)). When the appeal is from a judgment for possession of real property pursuant to a non-residential lease, receipt by the Municipal Court of a copy of the Notice of Appeal shall operate as a supersedeas only if the appellant/tenant:

(1) At the time of the filing of the Notice of Appeal, pays into an escrow account with the Office of Judicial Records a sum of money (or a bond, with surety approved by the Office of Judicial Records) equal to the lesser of (i) three months' rent or (ii) the rent actually owed on the date of the filing of the Notice of Appeal, based on the Municipal Court judgment; and

(2) The appellant/tenant makes monthly deposits with the Office of Judicial Records in an amount equal to the monthly rent which becomes due while the appeal is pending in the Court of Common Pleas. The additional deposits shall be made within thirty (30) days following the date of the filing of the Notice of Appeal, and every thirty (30) days thereafter.

(C) Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Residential Leases. (Pursuant to Local Rule 1001.2(b)(1)). When the appeal is from a judgment for possession of real property pursuant to a residential lease, and there is no allegation that the Appellant (tenant) qualifies for low income supersedeas pursuant to Section (d) of this Rule, receipt by the Municipal Court of a copy of the Notice of Appeal shall operate as a supersedeas only if the appellant/tenant:

(1) At the time the filing of the Notice of Appeal pays into an escrow account with the Office of Judicial Records a sum of money (or a bond, with surety approved by the Office of Judicial Records) equal to the lesser of (i) three months' rent or (ii) the rent actually owed on the date of the filing of the Notice of Appeal, based on the Municipal Court judgment; and

(2) The appellant/tenant makes monthly deposits with the Office of Judicial Records in an amount equal to the monthly rent which becomes due while the appeal is pending in the Court of Common Pleas. The additional deposits shall be made within thirty (30) days following the date of the filing of the Notice of Appeal, and every thirty (30) days thereafter.

(D) Supersedeas for Qualifying Low Income Tenants in Appeals of Judgments of Possession of Real Property Pursuant to Residential Leases. When the appeal is from a judgment for possession of real property pursuant to a residential lease, and the Appellant (tenant) is a qualifying low income tenant and does not have the ability to pay the lesser of three months' rent or the full

amount of the Municipal Court judgment for rent, receipt by the Municipal Court of a copy of the Notice of Appeal shall operate as a supersedeas only if the Appellant (tenant):

(1) Files with the Office of Judicial Records an *In Forma Pauperis* Petition requesting to waive the filing fees.

(2) Files with the Office of Judicial Records, as applicable, either a ***Tenant's Supersedeas Affidavit (Non-Section 8)***, substantially in the form set forth below as *Attachment 1*, or ***Section 8 Tenant's Supersedeas Affidavit***, substantially in the form set forth below as *Attachment 2*.

(3) Payment Amounts

(a) If the rent has already been paid to the landlord in the month in which the Notice of Appeal is filed, the Appellant (tenant) shall pay into an escrow account with the Office of Judicial Records the monthly rent in thirty (30) day intervals from the date the notice of appeal was filed, and each successive thirty (30) day period thereafter; or

(b) If the rent has not been paid at the time of filing the Notice of Appeal, the tenant shall pay:

(i) at the time of filing the Notice of Appeal, a sum of money equal to one third (1/3) of the monthly rent;

(ii) an additional deposit of two thirds (2/3) of the monthly rent within twenty (20) days of filing the Notice of Appeal; and

(iii) an additional deposit of one month's rent within thirty (30) days after filing the Notice of Appeal, and each successive thirty (30) day period thereafter. The amount of the monthly rent is the sum of money found by the Municipal Court to constitute the monthly rental for the leasehold premises. When the tenant is a participant in the Section 8 program, however, the tenant shall only pay the tenant share of the rent as set forth in the "Section 8 Tenant's Supersedeas Affidavit" filed by the tenant.

(c) The Office of Judicial Records shall provide residential tenants who have suffered a judgment for possession with "Supplemental Instructions for Obtaining a Stay of Eviction" as it appears on the website of the Philadelphia Court of Common Pleas at www.courts.phila.gov.

Note: *The Supplemental Instructions include both Instructions and Income Limits. The Income Limits are stated in monthly amounts.*

(E) Issuance of Supersedeas by Office of Judicial Records. When the requirements of Sections (e)(1) and (e)(2) of this Rule have been met, the Office of Judicial Records shall issue a supersedeas.

(F) Release of Escrow During Pendency of Appeal. Upon application by the landlord, the Court of Common Pleas shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use

of the premises during the pendency of the appeal.

(G) Termination of Supersedeas.

(1) If the tenant fails to make regular rent payments to the Office of Judicial Records as described in paragraphs (B), (C) or (D), the supersedeas may be terminated ***by the Office of Judicial Records upon praecipe by the landlord or other party to the action.*** A copy of the court order terminating the supersedeas shall be forwarded (i) by first class mail to attorneys of record and the Civil Electronic Filing System, or, if a party is unrepresented, mailed to the party's last known address of record; (ii) served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System. The landlord may not obtain a *writ of possession* from the Municipal Court until ten (10) days after the supersedeas is terminated.

(2) If the Court of Common Pleas determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the terms and conditions for issuance of a supersedeas pursuant to paragraph (D)(2) of this Rule, the Court may terminate the supersedeas. A copy of the court order terminating the supersedeas shall be forwarded (i) by first class mail to attorneys of record, or, if a party is unrepresented, mailed to the party's last known address of record; (ii) served on the Philadelphia Municipal Court electronically. The landlord may not obtain a *writ of possession* from the Municipal Court until ten (10) days after the supersedeas is terminated.

(H) Release of Escrow at Conclusion of Appeal. If an appeal is stricken or voluntarily terminated, any supersedeas based on the appeal shall terminate. Upon application by the landlord, the Court of Common Pleas shall release appropriate sums from the escrow account after Judicial approval.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

TENANT'S SUPERSEDEAS AFFIDAVIT (NON-SECTION 8)

have filed a Notice of Appeal from a Municipal Court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the judgment for rent awarded by the Municipal Court. My total household income does not exceed the income guidelines set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an In Forma Pauperis (IFP) petition to verify this.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties in 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

DATE: _____

SIGNATURE OF APPELLANT _____

ATTACHMENT 2

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

	:	_____TERM, 200__
Plaintiff,	:	
	:	NO. _____
v.	:	
	:	
Defendant.	:	_____
		Landlord - Tenant Number

SECTION 8 TENANT'S SUPERSEDEAS AFFIDAVIT

I, _____
PRINT NAME AND ADDRESS HERE

_____,
have filed a Notice of Appeal from a Municipal Court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the actual rent in arrears. My total household income does not exceed the income guidelines set forth in the supplemental instruction for obtaining a stay pending appeal and I have completed an In Forma Pauperis (IFP) petition to verify this.

Check one: ☐ **I have** paid the rent this month. ☐ **I have not** paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$_____. I hereby certify that I am a participant in the Section 8 program and I am not subject to a final (i.e. non-appealable) decision of a court or government agency which terminates my right to receive Section 8 assistance based on my failure to comply with program rules.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

DATE

SIGNATURE OF APPELLANT

Rule *1302 Appointment of Arbitrators. Qualifications. Disqualification.

(a) The Director of the Arbitration Center shall maintain an Arbitrator List of attorneys who have been deemed to be qualified to sit as Arbitrators in the Compulsory Arbitration Program of the Court of Common Pleas of Philadelphia County.

(b) Minimum criteria for qualification includes membership of the Bar of the Supreme Court of Pennsylvania, active practice of law for a minimum of one year subsequent to admission to the Bar of the Supreme Court of Pennsylvania for panelists and five years for Chairpersons, maintenance of an office in Philadelphia County, attendance of a court-approved arbitration seminar and trial of a civil case in any forum in the Commonwealth of Pennsylvania. The Director of the Arbitration Program shall make available an Application for Initial Certification as Arbitration Panelist form, substantially in the form set forth hereunder, requiring the necessary information for determination of qualifications.

See www.courts.phila.gov/forms for the current version of the Application for Initial Certification as Arbitration Panelist.

(c) Attorneys not currently enrolled on the Arbitration List may request to be included thereon by completing the Court supplied Application Form.

(d) The Director of the Arbitration Center from the Court-approved Arbitration List panelists and chairperson for assignment.

(e) Arbitrators no longer maintaining an office in Philadelphia County are required to promptly advise the Director of the Arbitration Center in writing.

(f) The Director of the Arbitration Center may, from time to time, strike the name of an attorney from the Arbitrator List in accordance with this rule.

(g) An issue concerning disqualification of an Arbitrator from a particular case shall first be raised with the Arbitration Panel and, if appropriate, with the Director of the Arbitration Center.

Note: Amended May 18, 1995, effective July 17, 1995. Amended May 15, 2014, effective July 6, 2014, Amended February 17th, 2023.