

**First Judicial District of Pennsylvania**

**Philadelphia Municipal Court**

**Civil Division**



**LOCAL RULES**

**Updated 1-02-18**

**PHILADELPHIA MUNICIPAL COURT  
CIVIL DIVISION LOCAL RULES**

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**PHILADELPHIA MUNICIPAL COURT  
LOCAL CIVIL RULES**

**Rule 101. Title and Citation of Rules.**

These Rules shall be known as the Philadelphia Municipal Court Rules of Civil Practice and may be cited as “Phila. M.C.R. Civ.P.No. \_\_\_\_.”

**Rule 102. Definitions.**

When used in these Rules, the following words and phrases shall have the meanings set forth in this section, unless the context clearly indicates otherwise:

***Administrative Regulation***—Instructions from the President Judge of the Municipal Court to the judicial complement and to the Court Administrator and staff. This includes new Court programs.

***Authorized Representative***—An authorized representative is an individual who is an agent of a party, has personal knowledge of the subject matter of litigation, and files a written authorization with the Court prior to the commencement of trial. A written authorization shall be signed by a party and the party’s authorized representative. It shall specify the nature and extent of the authority that the party has given to the authorized representative. A valid written authorization must be filed with the Court before an authorized representative may take any actions on behalf of a party. An approved written authorization form is attached to these rules.

***Affidavit***—A statement in writing of a fact or facts, signed by the person making it, that either (1) is sworn to or affirmed before an officer authorized by law to administer oaths, or before a particular officer or individual designated by law as one before whom it may be taken, and officially certified to in the case of an officer certified to in the case of an officer under his seal of office, (2) is unsworn and contains a statement that it is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

***Application***—Shall include all petitions and motions.

***Claimant***—The first filing of a claimant instituting a claim as set forth in Section 106.

***Court***—The Philadelphia Municipal Court existing pursuant to Section 6(c) of Article V of the Constitution of the Commonwealth of Pennsylvania and as implemented by Subchapter B of Chapter 11 (relating to Philadelphia Municipal Court) of 42 Pennsylvania Consolidated Statutes. The Board of Judges of the Philadelphia Municipal Court shall have the exclusive authority to promulgate local Rules governing practice and procedure as provided in 42 Pa.C.S. §323.

***Defendant***—The responding party on a complaint, counterclaim, additional claim, or cross claim.

***Guardian***—The party representing the interest of a minor party in any action whether he is (1) the guardian of a minor appointed by any court of competent jurisdiction, or (2) a parent of the any competent adult person.

**Guardian ad litem**—One specially appointed by the court to represent a minor party in a pending action.

**Landlord—Tenant Officer**—Personnel appointed to this office in accordance with Act of July 9, 1976 P.L. 586 No. 142 Section 17. 42 Pa. C.S. §2301.

**Minor**—An individual under the age of eighteen (18) years.

**Municipal Court**—*See Court, supra.* **Municipal Court Administrator**—The chief administrative officer of the Municipal Court.

**Persons With Disabilities**—Individuals who are disabled as defined in the Americans With Disabilities Act, 42 U.S.C. §12131(2).

**Prothonotary**—The Prothonotary of Philadelphia as defined in 42 Pa.C.S. §2731(c).

**Sworn**—Includes affirmed.

**Verified**—When used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

**Writ Servers**—Personnel of the Municipal Court appointed in accordance with the Act July of 9, 1976, P.L. 586 No. 142 Section 17. 42 Pa.C.S. §2301.

*Note: Amended June 10, 1995, effective July 10, 1995; amended November 30, 2007, effective 30 days after publication in the Pennsylvania Bulletin.*

### **Rule 103. Principles of Interpretation and Construction of Rules.**

- a. The object of all interpretation and construction of the Rules is to ascertain and effectuate the intention of the Municipal Court.
- b. Every Rule shall be constructed, if possible, to give effect to all its provisions. When the words of a Rule are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.
- c. When the words of a Rule are not explicit, the intention of the Municipal Court may be ascertained by considering, among other matters (1) the occasion and necessity for the Rule; (2) the circumstances under which it was promulgated; (3) the mischief to be remedied; (4) the object to be attained; (5) the prior practice, if any, including other Rules and Acts of Assembly upon the same or similar subjects; (6) the consequences of a particular interpretation; (7) the history of the Rule; and (8) the practice followed under the Rule.
- d. The Rules shall be liberally construed to secure the just, speedy and economical determination of every action or proceeding to which they are applicable. The court may disregard any error or defect of procedure which does not effect the substantive rights of any party.
- e. So far as not inconsistent with any express provision of these Rules, the interpretation shall be governed by Rule 104. Municipal Court Civil Procedure Rules Pa. C.S. §1901-1971 (relating to Rules of Construction).

**Rule 104. *Agreements.***

- a. Agreements of adverse parties and attorneys relating to the business of the court shall be in writing unless recorded before a judge of the Court.
- b. Agreements between attorney and client relating to wholly or partially contingent compensation shall be in writing.

**Rule 105. *Filing of Papers.***

Any filing with the Court, by an attorney admitted to practice in the courts of the Commonwealth of Pennsylvania, not requiring the signature of, or action by a judge prior to filing may be delivered or mailed to the Municipal Court Administrator or other appropriate officer designated by the court administrator, accompanied by the filing fee and if mailed, shall contain a stamped, self-addressed envelope. The party's attorney need not appear personally and present such paper to the officer. The signature of an attorney on a filing constitutes a certification of authorization to file it. The endorsement of an address where papers may be served shall constitute a sufficient registration of address. The notation on the filing of the attorney's current certificate number issued by the Court Administrator of Pennsylvania shall constitute proof of right to practice before this court. A paper sent by mail shall not be deemed filed until received by the appropriate officer.

**Rule 106. *Commencement of Actions: Pleadings Allowed.***

- (a) All civil actions shall be commenced by filing a complaint with the Court on printed forms approved by the Municipal Court Administrator and provided by the Court.
- (b) Initiating pleadings shall be limited to a complaint, counterclaim, additional claim and/or cross claim.

**Rule 107. *Waiver of Portion of Claim.***

- (a) The filing of a complaint shall constitute a waiver and release by the claimant of any portion of his claim, arising from the transaction or occurrence from which the claim arose, which exceeds the jurisdictional limit of the Court; provided, however, that in the event an appeal is taken or the claim is transferred to a Court of Common Pleas, such waiver and release shall not bar the claimant from asserting the full amount of his claim.
- (b) Claims for payment of rent due and unpaid may be included in any action for the recovery of possession, and the judgment of possession shall set forth the total rent owed, regardless of the amount. A judgment for rent owed may be entered in the same action. Such money judgment may not exceed the jurisdictional limit of the Court, but shall not constitute a waiver or release by the claimant of any portion of the claim which exceed such jurisdictional limit.

**Rule 108. *Venue.***

- (a) Except as otherwise provided by this Rule, the Rules governing venue in the Court of Common Pleas shall apply to claims filed in the Court.
- (b) Objection to venue may be made in writing at any time or orally at the time of trial. Provided that objection to venue is properly served on all parties at least 10 days prior to the first trial listing and appropriate verification of service is filed with the court, then the objecting party need not appear for trial at that time.
- (c) If objection to venue is sustained and there is a court of proper venue within Pennsylvania, the action shall not be dismissed but shall be transferred to the appropriate District Justice Court or

Court of Common Pleas. The costs and fees for transfer and removal from the record shall be paid for by applying party.

(d) If the objection to venue is denied, the matter shall be continued to a date certain for trial unless all parties agree to proceed immediately to trial.

**Note: Amended by the Board of Judges December 9, 1988, General Court Regulation 89-1-MC, effective February 1, 1989.**

**Rule 109. Contents of Complaints.**

a. The complaint, except Code Enforcement and Landlord/Tenant Claims which are covered in subsections b. and c. shall set forth:

1. The full names and street addresses of the parties.
  - (a) where full names are not available upon reasonable investigation the plaintiff may affirm that the name given is the only one known.
  - (b) if the address is a post office box in Philadelphia then it must be affirmed that no valid street address is known for the defendant.
2. Itemization of the sums claimed with attached copy of an invoice or statement of account. If such is not available, plaintiff shall so affirm.
3. A brief, concise statement of the relevant and admissible facts, occurrences and transactions upon which the claim is based and damages sustained, including relevant times, dates and places.
4. Where the claim is based upon a writing, a copy of the writing or pertinent portions thereof shall be attached. If the writing is not available, it is sufficient to so state, together with the reasons, and to set forth the substance of the writing.
5. If the claim involves repairs, an estimate to repair or a repair bill shall be attached. If such is not attached at time of filing, plaintiff shall state in the complaint the reasons the estimate or bill is not provided
6. If fees other than court costs are requested, then a copy of the contract or pertinent provision of the law authorizing the fee shall be attached.

b. Code or statute enforcement claims shall set forth:

1. The defendant's name.
2. The defendant's residence or place of employment.
3. Citation of the section or sections of the statute, code, or ordinance alleged to have been violated.
4. A brief description of the facts of the violation.
5. A request for the imposition of penalty and fine as provided by law.
6. The name of the tax, the year or years of the alleged delinquency, and the amount(s) of such delinquency in actions to impose fines for failure to pay taxes due under any ordinance of the City of Philadelphia.
7. Averments of prior convictions, where an enhanced penalty is requested.

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.

*Note: Amended by the Board of Judges December 9, 1988, General Court Regulation 89-1-MC, effective February 1, 1989. Amended on November 8, 2017, published in the Pennsylvania Bulletin on November 25, 2017; effective January 2, 2018. See President General Court Regulation No. 01 of 2017.*

**Rule 110. Claim Fact Sheet for Personal Injury and Property Damage Actions.**

- a. Complaints for damages as a result of injuries to persons or property, if in excess of \$2,000, shall have annexed thereto a completed Claim Fact Sheet, verified by the claimant.
- b. Any party may supplement the same twenty (20) days or more prior to trial.
- c. The Court may permit amendment or supplementation of the Claim Fact Sheet at any time for good cause shown.
- d. Information not included in the Claim Fact Sheet shall not be admissible at trial.
- e. The Claim Fact Sheet shall be substantially in the following form:

**PHILADELPHIA MUNICIPAL COURT**

**(CAPTION)**

**CLAIM FACT SHEET BODILY INJURY/PROPERTY DAMAGE**

TO THE CLAIMANT: All questions must be answered. Information not supplied may not be introduced at the time of the trial.

**Note:** The contents of this fact sheet and attachments may not be admissible at trial, if prohibited by the Rules of Evidence.

- 1. List the names and addresses of all witnesses to this accident and/or event.
- 2. List and attach copies of all medical bills, narrative reports, discharge summaries, property damage and loss of earning documents and claims.
- 3. Attach copies of all estimates, obtained from any source for damage to property.
- 4. If bodily injury is being claimed, list the date, place and any other parties involved in any earlier or later bodily injuries and the same part(s) of your body that were injured in this claim.
- 5. Regarding your insurance, if known, state:
  - a. name of company: \_\_\_\_\_
  - b. address: \_\_\_\_\_
  - c. policy number: \_\_\_\_\_
  - d. claim number: \_\_\_\_\_
  - e. claim adjuster handling file: \_\_\_\_\_

- 6. List and describe photos and/or exhibits that you may introduce at the time of trial.

Understanding the false statements herein are subject to the penalties of 18 Pa.C.S. Section 4904 (relating to unsworn falsification to authorities), I certify that the above answers are true and correct to the best of my knowledge, information and belief.

I hereby authorize the other parties to this action or their representative(s) to obtain my medical reports, employment attendance and compensation records, pertaining to this specific claim, to the extent not privileged.

\_\_\_\_\_  
Claimant

(Instructions: This completed form should be attached to your complaint. Use additional sheets of paper if necessary. If the claimant is a corporation, it should execute this form in accordance with the following example: XYZ Corporation by John Jones, President. If you obtain additional information requested by this Claim Fact Sheet, you should immediately send the defendant(s) a supplementary Claim Fact Sheet and file a copy with the court with



an affidavit of service twenty (20) days or more prior to trial. Failure to do so may result in the exclusion of this information at trial.)

**Rule 111. *Service of Complaints, Non- Execution Process, Petitions and other Documents.***

A. Except as provided below, complaints and writs of revival shall be served in the same manner as original process filed in the Court of Common Pleas and may be served in Philadelphia by writ servers appointed by the President Judge of the Municipal Court and in counties outside Philadelphia by said writ servers or by Pennsylvania constables.

B. Landlord/tenant complaints for rent or possession may be served by posting the same upon the leased premises by an authorized writ server and mailing a copy to the tenant by first class mail.

C.

(1) A complaint may be served by certified mail if defendant's last known address is a post office box, or outside the County of Philadelphia, or if a writ server has returned the complaint without being able to serve the same. The return receipt card for certified mail shall be marked to show to whom and when delivered and shall show the signature of the defendant or an agent of the defendant authorized to receive the certified mail of defendant. If the signature on the return receipt is that of a person other than the defendant, it shall be presumed, unless the contrary is shown, that the signer was an agent of the defendant authorized to receive the certified mail of defendant.

(2) If the certified mail is returned with notation by the postal authorities that it was refused or unclaimed, the plaintiff shall have the right of service by mailing a copy to the defendant at the same address by first class mail with the return address of sender appearing thereon. Service by ordinary mail is complete if the mail is not returned to sender within 15 days after mailing, or by the date of trial, whichever is later. Service by certified mail and first class mail may be made at the same time.

(3) A return of service by mail shall be by affidavit in accordance with Pa.R.C.P. 405.

D. Except as provided in Section E below, other filings, except writs of execution, shall be served promptly upon every other party by

1. leaving or mailing a copy at/to the address endorsed on the last filing of a party or the party's attorney of record, but if there is no such endorsement; then,
2. by leaving or mailing a copy at/to the party's residence, place of business or place of last service of the complaint or other filing.

E. All petitions filed in the Philadelphia Municipal Court, except in cases captioned "CE," shall be served in the same manner as service of an original process under subsections (A) and (C) of this rule.

**Rule 112. *Returns and Affidavits of Service.***

a. Writ servers shall make returns of service on the forms approved by the Municipal Court.

b. Sheriffs and constables shall make returns of service upon the forms and in the manner customary in their locality.

c. Affidavits of service shall state the time, place and manner of service with sufficient particularity to enable the court to determine whether or not proper service has been made.

**Rule 113. *Trial Assignment.***

Upon commencement of the action, the Municipal Court Administrator shall set the time and place for the trial and shall note the same upon the complaint. Said trial shall be scheduled not more than

ninety (90) days from the date the action is commenced, except that trials in landlord-tenant cases shall be scheduled not more than 30 days from the date the action is commenced.

*Note: Amended February 20, 1996, General Court Regulation 96-2-MC, effective April 15, 1996.*

**Rule 114. Notice of Defense.**

- a. A claimant may require defendants who intended to present a defense to notify claimant of the same in writing at least five (5) days before trial by including with a copy of the complaint, a “Notice of Defense” and an envelope bearing first class postage pre-addressed to claimant or claimant’s attorney. If the claimant does not furnish a “Notice of Defense” the complaint should be noted “Notice of Defense Waived.”
- b. The Notice of Defense shall be in substantially the following form:

PHILADELPHIA MUNICIPAL COURT

(CAPTION)

**NOTICE OF DEFENSE**

TO THE DEFENDANT(S):

If you wish to defend this claim, you must complete and mail this form to the claimant or attorney not less than five (5) days before trial. If you fail to do so, and you choose to appear to defend the above matter, the Court may grant a continuance and require you to return to court on another day.

	(or)	
Defendant’s Signature		Attorney’s signature
Print Name		Print Name
Address		Address
Telephone Number		Client
Date		Telephone Number
		Date

The defendant or counsel for the defendant hereby gives notice of intention to defend the above matter and verifies under penalties of 18 Pa.C.S. Section 4904 (relating to unsworn falsification to authorities) that this notice was mailed to claimant or claimant’s attorney in the envelope provided on the date noted hereon.

**Rule 115. Counterclaims, Cross Claims, Additional Claims.**

- a. Counterclaims, cross claims and additional claims shall be filed no less than ten (10) days prior to trial upon the complaint forms approved by the Municipal Court Administrator and provided by the Court, unless the counterclaim, cross claim or additional claim is in the amount of \$2000 or

less. When such claim is for personal injury or property damage and is in excess of \$2000 a completed Claim Fact Sheet shall be annexed and verified.

b. All claims filed under this Rule shall be served in the manner required for service of the complaint on an original defendant. The cost of filing to be paid by the defendant shall be the same as an initial filing for commencement of actions. A plaintiff joining a co-defendant after the initial filing shall pay for service and the indexing of the co-defendant filing.

c. If the counterclaim, cross claim or additional claim alleges damages exceeding the jurisdiction of the Court, upon receipt of a letter from the party so claiming to the Court Administrator, the matter will be continued to a date certain and the court shall grant leave to the claiming party to commence an action by filing a complaint in the Philadelphia Court of Common Pleas within thirty (30) days and submit verification thereof to the Municipal Court Administrator. If the action is not commenced in the Court of Common Pleas, the failure shall constitute a waiver and release of so much of the claim as exceeds the Jurisdiction of the Philadelphia Municipal Court; provided, however, that in the event of appeal, the waiver and release shall not bar the claiming party from asserting the full amount of the claim.

d. In Landlord/Tenant claims, a counterclaim in excess of the Court's jurisdiction shall follow the procedures set forth in subsections a. and b., supra.; however, the issue of possession shall be retained by the Court.

*Note: Amended by the Board of Judges May 9, 1986, effective immediately; amended June 3, 1988, effective immediately. Further amended by the Board of Judges on December 9, 1988 General Court Regulation 89-1-MC, effective February 1, 1989.*

**Rule 116. Notification of Trial and Continuances.**

a. A continuance may be granted, or appropriate administrative action taken in the event of filing of a claim in excess of the Court's jurisdiction, provided written notice of the request for continuance is submitted to the Municipal Court Administrator or his designee and all other parties at least ten (10) days prior to the scheduled trial. Such notice shall certify that:

1. The continuance notice is made jointly by all parties or a bona fide attempt was made to have the request made jointly; or
2. Prejudice for specific reasons will result to the notifying party absent continuance; and
3. Notice of the request has been served on all parties.

b. Any objection to such request must be received by the Court Administrator not later than five (5) days prior to the scheduled trial and must certify that the objection had been served on all parties.

c. The Municipal Court Administrator shall, after the time for response has expired, forward notice of the decision to all parties.

d. If a defendant appears without having given notice of intention to defend, where required, claimant shall be granted a continuance, if requested.

e. Applications for continuance made at the time of trial may be granted only for good cause shown.

f. The Court may grant continuances when applied for by defendants, served with complaints less than twenty (20) days before trial if the interest of justice requires additional time to prepare a defense.

*Note: Amended February 20, 1996, General Court Regulation 96-3-MC, effective April 15, 1996.*

**Rule 117. Applications.**

- a. Applications, including amendments of a complaint, may be made orally or in writing at the time of trial. Applications, including amendments of a complaint, may be made without the presence of all parties, provided that notice of the same was served upon all parties no less than ten (10) days prior to trial.
- b. Written applications alleging facts not of record shall be verified by affidavit.
- c. All applications after trial or other disposition shall be in writing.
- d. No written answer need to be made to any application.
- e. Annexed to every written application shall be proposed order for relief.
- f. Following the opening of judgment upon written application, trial shall immediately proceed. Notice of this procedure shall appear conspicuously on the Rule to Show Cause in the upper left hand corner, in the following form: “Pursuant to Local Rule 117(f), trial shall immediately proceed if the judgment is opened.”

**Rule 119. Voluntary Termination of Actions—Withdrawals and Settlements.**

- a. Actions may be voluntarily terminated only upon claimant’s written order that the cause be marked “Withdrawn” or “Settled, Discontinued and Ended.” Approval by the Court shall not be required.
- b. A case may not be voluntarily terminated before trial as to less than all defendants without leave of Court after notice to all parties.
- c. Upon application and after notice and hearing the Court make strike off a withdrawal or settlement, if appropriate; to protect the rights of any party.
- d. Upon application and after notice and hearing the Court may enter judgment for the defaulted balance due in any matter previously marked settled.
- e. After “Withdrawal Without Prejudice”, the claimant may order the claim reinstated upon the trial list. A claim so reinstated may not thereafter be marked “Withdrawn” without consent of all the parties or leave of court.
- f. All withdrawals shall be deemed to be without prejudice unless otherwise requested by a party or ordered by the Court.

**Rule 120. Dismissals—Failure to Appear.**

- a. The Court shall mark the claim “No Service – Dismissed without Prejudice” against any defendant who is not served.
- b. If the claimant appears and defendant does not, and damages are proven in accordance with Rule 121, judgment by default shall be entered for claimant, provided service was made at least seven (7) days prior to trial, otherwise the claim shall be continued to a date certain.
- c. If the defendant appears and the plaintiff does not, judgment by default shall be entered for defendant, unless the defendant asserts a counterclaim, in which event the claim shall be continued to a date certain.
- d. Where none of the parties appear, the claim(s) shall be marked “Withdrawn Without Prejudice” and such claims may be reinstated upon the trial list by request of claimant.

*Note: Amended July 1, 1987, effective immediately.*

**Rule 121. Conduct of Trial: Evidence.**

- a. Except as prescribed by this Rule, the Rules of Evidence shall be applied in all trials.

b. If at least ten (10) days written notice of intention to offer the following documents in evidence was given to every other party, accompanied by a copy of the document, a party may offer in evidence without further proof the following:

1. bills, records and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses and physical therapists, or other licensed health care providers;
2. bills for drugs, medical appliances, and prostheses;
3. affidavit of repair, estimate of value, bills for damage to, cost of repair or loss of property;
4. a report of the rate of earnings and time lost from work or lost compensation prepared by an employer;
5. an official weather or traffic signal report or standard U.S. government life expectancy table (without the certification required by 42 Pa. C.S. §5328, 6102);
6. any other official record kept within Commonwealth or written statement that after examination of the records of the government unit, no record or entry of specified tenor is found to exist in the records designated by the statement;
7. a bill, estimate, receipt, statement of account or other records which appear to have been made in the regular course of business.

c. Any other party may subpoena a person whose testimony is waived by this Rule to appear at the trial and may cross-examine him as to the documents as if he were a witness for the party offering the document.

*Note: Amended by the Board of Judges May 9, 1986, effective immediately.*

**Rule 122. Notice of Entry of Judgment and Orders.**

a. Written notice of the entry of judgment shall be mailed promptly, by regular mail, by the Municipal Court Administrator to any person who failed to appear at the trial in person or by counsel, but the failure of any party to receive such notice shall not constitute ground for relief from judgment.

b. Written notice of continuance, dismissal or the entry of any other order in a claim shall be mailed promptly, by regular mail, by the Municipal Court Administrator to all parties, but the failure to receive the same shall not constitute ground for relief from said order.

c. Judgments shall be deemed entered on the date on which the Judge announces a decision from the bench, or, when taken under advisement, the date of the decision sent by the Judge.

*Note: Amended by the Board of Judges June 15, 1990. General Court Regulation 90-2-MC. Effective August 21, 1990.*

**Rule 123. Payment of Judgment in Installments.**

a. Upon application, the Court may order payment of a judgment in installments, over a period not to exceed twelve (12) months.

b. The parties may stipulate in writing to installment payments over any period.

c. Execution shall not issue in either a. or b. until at least ten (10) days after the filing of affidavits of default and service of the same. A writ of execution may be filed with the affidavit of default. If defendant files a counter affidavit denying default, within five (5) days of service of the affidavit of default, the Municipal Court Administrator shall schedule a hearing before the Court within ten (10) days for adjudication of default and notify the parties of the scheduling of the hearing.

**Rule 124. Time and Method of Appeal and Stay of Execution Pending Appeal.**

a. A party aggrieved by a judgment for money, or a judgment for possession of real property arising out of a nonresidential lease, may appeal therefrom within 30 days after the date of the entry of the judgment by filing with the prothonotary of the Court of Common Pleas a notice of appeal together with a copy of the Municipal Court disposition sheet. The prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than 30 days after the date of judgment without leave of the Court of Common Pleas and upon good cause shown.

b. A party aggrieved by a judgment for possession of real property arising out of a residential lease, may appeal therefrom within 10 days after the date of the entry of the judgment by filing with the prothonotary of the Court of Common Pleas a notice of appeal together with a copy of the Municipal Court disposition sheet. The prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than 10 days after the date of judgment without leave of the Court of Common Pleas and upon good cause shown.

c.

(1) Except as provided in subsection (c)(2), appeals to the Court of Common Pleas shall be governed by Rule 300 et seq. of the Philadelphia Court of Common Pleas Rules (Civil Division).

(2) When an appeal is from a judgment on the merits for the possession of real property, receipt by the Municipal Court Administrator of a copy of the notice of appeal shall operate as a supersedeas only if the tenant/appellant, at the time of filing the appeal, deposits with the prothonotary of the Court of Common Pleas of Philadelphia County a sum of money equal to the lesser of three months' rent or the rent actually in arrears on the date of the filing of the appeal, based upon the Municipal Court judgment, and thereafter deposits cash with the prothonotary in a sum equal to the monthly rent which becomes due during the period of time the proceedings on appeal are pending in the Court of Common Pleas, such additional deposits to be made within 30 days following the date of the appeal, and each successive 30 day period thereafter. Upon application by the landlord/appellee and approval by the Court of Common Pleas, 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/appellee for the tenant/appellant's actual possession and use of the premises during the pendency of the appeal. In the event the appellant fails to deposit the sums of money required by this rule when such deposits are due, the prothonotary of the Court of Common Pleas, upon praecipe filed by the landlord/appellee, shall terminate the supersedeas. Notice of the termination of the supersedeas shall be forwarded via first class mail to all parties and to the Municipal Court Administrator, but if any party has an attorney of record named in filings with the court, notice shall be given to the attorney instead of to the party. Notice to a party that does not have an attorney of record is sufficient if mailed to the party's last known address of record. Where the deposit of money is made pursuant to this subsection at the time of filing the appeal, the prothonotary of the Court of Common Pleas shall make upon the notice of appeal and its copies a notation that it will operate as a supersedeas when received by the Municipal Court Administrator. If an appeal is stricken or voluntarily terminated, any supersedeas based on it shall terminate. The prothonotary, upon order of the Court of Common Pleas, shall pay the deposits of rental to the party who sought possession of the real property.

*Note: On March 28, 1996, the Pennsylvania Supreme Court promulgated amendments to the Pennsylvania District Justice Rules of Civil Procedure and instructed the Philadelphia Municipal Court to promulgate rules consistent with the amendments to the District Justice Rules. The amendments to the*

*Philadelphia Municipal Court Rule of Civil Procedure 124 are consistent with the Supreme Court's amendments within Pennsylvania District Justice Rule of Civil Procedure 1002 and 1008. In view of the Supreme Court's directive, these rules shall supersede any local rule of the Court of Common Pleas to the extent that said local rules are inconsistent with this rule.*

*Editor's note: Amended by the Board of Judges May 9, 1986, effective immediately. Further amended by the Board of Judges, GCR 96-6-MC, May 9, 1996, effective June 24, 1996.*

**Rule 125. *Transfer of Domestic Judgments.***

- a. Judgments of other Pennsylvania jurisdictions within the jurisdictional amount of this court may be transferred to this court by filing a certified copy of all the docket entries in the action and a certification of the amount of judgment or a certified copy of the transcript of judgment. Claimant may file, together with the same, a praecipe assessing damages for accrued interest which praecipe shall give credit for payments received, if any.
- b. Said judgment shall be docketed and indexed against the defendant forthwith.
- c. A final judgment for a defendant on an appeal from this Court may be satisfied by filing with the Municipal Court Administrator a copy of the Philadelphia Court of Common Pleas docket entries.

**Rule 126. *Execution and Revival of Judgments: Sheriff's Interpleader.***

- a. Except as provided below, execution shall not issue until the time for appeal which could be filed with the Court of Common Pleas has expired.
- b. Subsequent to entry of judgment of possession of real property arising out of a nonresidential lease, the writ of possession may issue on or after 15 days after judgment, and the alias writ of possession may issue on or after 16 days after issuance of the writ of possession. Subsequent to entry of judgment of possession of real property arising out of a residential lease, the writ of possession may issue on or after 10 days after judgment, and the alias writ of possession may issue on or after 11 days after issuance of the writ of possession.
- c. Enforcement and revival of judgments shall be in the same manner as if commenced in the Court of Common Pleas, except that authorized Landlord-Tenant Officers may serve and enforce all writs of possession and alias writs of possession.
- d. Sheriff's interpleader proceedings shall be in accordance with the Rules governing actions in the Court of Common Pleas.
- e. An alias writ of possession may not be issued after six months from the date of the judgment for possession without leave of court.

*Note: On March 28, 1996, the Pennsylvania Supreme Court promulgated amendments to the Pennsylvania District Justice Rules of Civil Procedure and instructed the Philadelphia Municipal Court to promulgate rules consistent with the amendments to the District Justice Rules. The amendments to Philadelphia Municipal Court Rule of Civil Procedure 126 are consistent with the Supreme Court's amendments within Pennsylvania District Justice Rules of Civil Procedure 515 and 519.*

*Note: Amended by the Board of Judges December 9, 1988, General Court Regulation 89-1-MC, effective February 1, 1989. Further amended February 20, 1996, General Court Regulation 96- 4-MC, effective April 15, 1996; and by Board of Judges, GCR 96-7- MC, May 9, 1996, effective June 24, 1996.*

**Rule 127. Actions in which any Party is a Minor.**

- a. Claims by and against minors—
  - 1. Where the claimant is a minor, the action shall be captioned accordingly, e.g. “A, a minor, by B, his guardian” v. defendant.
  - 2. Where the minority of a defendant is ascertained at the time of filing of the claim his minority shall be designated in the caption accordingly, e.g., “A v. B, a minor.”
- b. Service—
  - 1. Where the defendant is designated a minor in the original caption of the action, also accompanying the service copy of the complaint will be a “Designation of Guardian Notice” in the form approved by the Municipal Court and provided by the Municipal Court Administrator. The “Designation of Guardian Notice” shall be filed with the Court and served upon every other party.
  - 2. When so filed, the caption will be amended accordingly.
  - 3. If a guardian of a minor is already designated as such in the initial complaint filed, service shall be made upon such guardian and defendant.
- c. Counterclaims—
  - 1. In any claim brought by a minor designated as such, the defendant may assert any counterclaim which he has against the minor, and the guardian named in the complaint shall continue as the guardian on the counterclaim.
- d. Selection and Appointment of Guardian—
  - 1. If the minority of a party is not determined until the trial date, or a previously designated minor has appeared but has not filed a designation of guardian form, the Court shall appoint a guardian for the minor and may grant a continuance in order to prepare the case.
  - 2. If the minority of a party against whom any judgment has been rendered is not ascertained until after such entry of judgment, but before the party reaches majority, upon application the court shall then appoint a guardian for said minor and shall vacate any judgment and place the matter upon the trial list.
- e. Affidavit—
  - 1. A minor is competent for purposes of these Rules to execute any affidavit required to be made by any party to an action.
- f. Judgments, Costs, Settlement and Discontinuances—
  - 1. Any judgment entered in an action against a party who is a minor shall be the obligation of the minor only.
  - 2. No action in which a minor is claimant shall be marked “Withdrawn” unless both the minor and his guardian execute the order for the same.

**Rule 128. Fees.**

**FILING**

a. Commencement of civil actions \$0 to \$500. . . . .	\$ 6.00
b. Commencement of civil actions over \$500 to \$2,000 . . . . .	\$12.00
c. Commencement of civil actions \$2,000 to \$10,000. . . . .	\$32.00
d. Indexing additional names . . . . .	\$ 5.00
e. Orders to satisfy . . . . .	\$ 5.00
f. Writ of Possession . . . . .	\$ 4.00
g. Motions (Petitions -Relistments). . . . .	\$10.00
h. Additional defendant filing. . . . .	same as initial filing



- i. Co-defendant filing. . . . . (index charge \$5.00 only and service)
- j. Counterclaim . . . . . same as initial filing
- k. Cross-claims. . . . . same as initial filing
- l. Set-Offs. . . . . same as initial filing
- m. Writ of Revival. . . . . \$6.00

The foregoing fee schedule does not cover any costs for service of process. Service of initial process shall be \$15.00. All other fees shall be in accordance with the sheriff’s fee bill applicable to Philadelphia County.

The commencement of any action or proceeding as well as claims and writs shall be exempt from any library fee or taxes.

*Note: Adopted January 8, 1988, effective immediately. Amended April 16, 1992, General Court Regulation number 92-2-M, effective June 15, 1992. Further amended February 20, 1996, General Court Regulation 96-5-MC, effective April 15, 1996.*

**Rule 129. Subpoena.**

A subpoena to testify or for the production of documents or things shall be in substantially the same form as in the Court of Common Pleas. Pretrial discovery is not available in the Philadelphia Municipal Court.

*Note: Amended by the Board of Judges December 9, 1988, General Court Regulation 89-1-MC, effective February 1, 1989.*

**Rule 130. Bill of Costs.**

The procedure for filing and taxation of costs shall be the same as in the Court of Common Pleas of Philadelphia County.

**Rule 131. Self-Representation.**

- a. An individual or sole proprietor may be represented by himself or herself, by an attorney at law, or by an authorized representative.
- b. A corporation as defined in Part II of Title 15 of Pennsylvania Consolidated Statutes may be represented by an officer, an attorney at law, or by an authorized representative.
- c. A general partnership as defined in Part III of Title 15 of Pennsylvania Consolidated Statutes may be represented by a partner, an attorney at law, or by an authorized representative. A limited partnership as defined in Part III of Title 15 of Pennsylvania Consolidated Statutes may be represented by a general partner, an attorney at law, or by an authorized representative. A limited liability company as defined in Part III of Title 15 of Pennsylvania Consolidated Statutes may be represented by a manager, an attorney at law, or by an authorized representative.
- d. A professional association as defined in Part IV of Title 15 of Pennsylvania Consolidated Statutes may be represented by an officer of its board of governors, an attorney at law, or by an authorized representative.
- e. A business trust as defined in Part V of Title 15 of Pennsylvania Consolidated Statutes may be represented by a trustee, an attorney at law, or by an authorized representative
- f. If appointed by a party, an authorized representative may take any action up to and until the conclusion of a trial in the Philadelphia Municipal Court that a party may take, including, but not

limited to, filing a statement of claim, filing a landlord tenant complaint, testifying, and submitting documents into evidence. A party shall always have the right to file a document limiting or rescinding a person's right to act as an authorized representative.

g. Notwithstanding the above, a party may not use an authorized representative in any action in which the City of Philadelphia is seeking fines, penalties, unpaid taxes, or unpaid water/sewer charges.

**Official Note:** An authorized representative is defined in Rule 102. The addition of an authorized representative as a person who may be a representative of a party is intended to permit a party to select and appoint an individual who has knowledge of the facts and circumstances of the litigation to appear for that party up through the completion of trial in the Philadelphia Municipal Court. As noted in the definition of an authorized representative, an individual must file an appropriate authorization form prior to the commencement of trial in order to act as an authorized representative. Additionally, the phrase "personal knowledge" is to be interpreted in conformity with the use of that term in Pa.R.E. 602.

This rule is not intended to allow a non-lawyer to establish a business for the purpose of representing others in Court proceedings. The designation of an authorized representative must be made in each case. The Philadelphia Municipal Court will not accept for filing a blanket authorization by which a party seeks to empower an authorized representative to act for the party in all cases that the party may have pending in the Philadelphia Municipal Court.

**Note:** Original Rule 131 repealed and new rule adopted November 30, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.



**Rule 133. *Discontinuance.***

- a. In claims exceeding \$2,000, exclusive of costs and interest, a party may file a written application for discontinuance no less than twenty (20) days prior to trial.
- b. Such application shall set forth the reasons why the matter cannot be tried expeditiously or without extensive discovery in this Court.
- c. If the application is granted, the claim shall be marked “Discontinued without Prejudice” and the claimant may file a complaint in the Court of Common Pleas.

**Rule 134. *Fair Housing Commission***

If a tenant has filed a complaint which has been accepted by the Fair Housing Commission prior to the date a complaint in eviction is filed by the landlord, the Court shall continue the case for a sufficient period to enable the Commission to hold its hearings.

In those cases where the Landlord has filed his complaint in Municipal Court for eviction, the Fair Housing Commission will not accept a complaint from a tenant prior to the date of the eviction hearing. The judge hearing Landlord and Tenant cases will make the initial determination as to whether a matter should be sent to Fair Housing. Those cases (1) where the tenant can prove that there is no rent delinquency and proof is presented of outstanding L & I violations (a copy of the L & I Report or an affidavit from Tenant’s counsel will be sufficient), or (2) those cases where there is no rent delinquency and the tenant claims retaliatory eviction shall be continued for at least sixty (60) days to a date certain and the tenant instructed to file a complaint with the Fair Housing Commission.

**Note: Adopted December 5, 1986, effective February 1, 1987.**

**Rule 135. *Nuisance Complaints.***

The Philadelphia Municipal Court Rules of Civil Procedure shall apply to Nuisance Complaints commenced pursuant to Act #147, enacted November 29, 1990, except as otherwise provided herein.

- a. Nuisance Complaints shall be made upon printed forms approved by the Municipal Court Administrator, be verified by the plaintiff and shall set forth:
  - 1. the names and addresses of the parties, including whether plaintiff resides or operates a business within 500 feet of defendant;
  - 2. a brief, concise statement of the relevant and admissible facts, occurrences and transactions upon which the claim is based and damages sustained, including relevant times, dates and places;
  - 3. whether plaintiff personally witnessed the conduct complained of;
  - 4. whether any governmental agencies have been contacted about the conduct complained of;
  - 5. a request for the issuance of an Order restraining the conduct complained of or other appropriate relief;
  - 6. such other information as is required by the Court.
- b. Nuisance Complaints shall have annexed thereto a completed Nuisance Complaint Fact Sheet, verified by the Plaintiff, and containing such information as required by the Court.
- c. A Rule to Show Cause-Summons and proposed Order shall be annexed to every Nuisance Complaint. If the Rule to Show Cause-Summons is denied, the reason for the denial shall be stated by the Court.

d. Nuisance Complaints and any subsequent Petitions and Orders issued by the Court shall be served in the same manner as provided in the Court of Common Pleas Rules of Civil Procedure for Equity Actions, except that service shall be made by Writ Servers in Philadelphia or by Pennsylvania constables on a county outside of Philadelphia. If the Court is not satisfied that a named defendant has received notice of the proceedings or order, the matter shall be continued by the Court for service.

e. If a Nuisance Complaint alleges facts which may constitute a violation of Statute or City Ordinance, the appropriate governmental agencies shall be notified of the filing of the Nuisance Complaint. Government agencies shall have the right to intervene in the proceedings.

f. Proceedings to enforce compliance with a Court Order or to adjudge a party guilty of contempt shall be initiated by the filing of a Rule to Show Cause, Petition and proposed Order. Enforcement of Orders shall be in the same manner as provided in the Court of Common Pleas Rules of Civil Procedure for Equity Actions.

g. Continuances may be granted only for good cause shown and only by the Court at the scheduled hearing listing of the case. Continuance requests must be submitted to the Court at least 10 days before the scheduled hearing and served upon all parties. The request must show good cause for the continuance.

**Note: Adopted by the Board of Judges November 30, 1990, effective February 1, 1991. The Rule has been stayed by the Court until further notice.**

**Rule 136. *Forfeiture of Confiscated Firearms and Weapons.***

A. Any firearms, including, but not limited to, rifles, shotguns, pistols, revolvers, machine guns, zip guns, or any type of prohibited offensive weapon, as that term is defined in 18 Pa.C.S. (relating to crimes and offenses), or any instrument the possession of which is prohibited upon public streets or public property under Title 10 of the Philadelphia Code, or any other instrument capable of inflicting bodily harm, shall be confiscated and subject to forfeiture if they are carried, controlled or otherwise possessed by any person within any building in which Philadelphia Municipal Courtrooms are situated.

B. The proceedings for the forfeiture of property confiscated under section A of this rule shall be in rem. A claimant of property shall file a Petition For Return of Confiscated Property containing the following:

1. A description of the property confiscated.
2. A statement of the time and place where confiscated.
3. The owner, if known.
4. The person or persons in possession at the time of confiscation, if known.
5. The cost of the property.
6. The reason(s) why the property was carried or possessed within a building where Municipal Court courtrooms are situated.
7. Documentation, if any, that the person(s) in possession of the property at the time of confiscation was licensed or otherwise permitted to carry or possess such property within a building where Municipal courtrooms are situated.
8. Signature and verification of the claimant.

C. If no Petition For Return Of Confiscated Property is Filed within ten (10) days from the date of confiscation, the property shall summarily forfeit to the Philadelphia Municipal Court.

D. The President Judge of the Philadelphia Municipal Court or his designee shall review a Petition For Return Of Confiscated Property and may, in his discretion, hold a hearing relating to said

petition. The President Judge of his designee shall deny the Petition For Return Of Confiscated Property unless the claimant establishes by a preponderance of the evidence that the person or persons in possession of the property at the time of confiscation (1) were entitled to be in possession under both 18 Pa.C.S. and Title 10 of the Philadelphia Code, and (2) had a lawful reason for possessing such property within a building where Municipal Court courtrooms are situated.

E. A claimant shall have thirty (30) days from the date of the denial of the Petition For Return Of Confiscated Property to file an appeal with the Court of Common Pleas. If the Municipal Court Prothonotary does not receive a Notice of Appeal within thirty (30) days of the denial of said petition, the property shall summarily forfeit to the Philadelphia Municipal Court.

*Note: Adopted by The Board of Judges May 24, 1991, General Court Regulation 91-2-MC. Effective July 15, 1991.*

**Rule 137. Court Access for Persons with Disabilities.**

a. **General Rule.** The Municipal Court shall comply with Title II of the Americans With Disabilities Act, 42 U.S.C. §12131 et seq.

b. **Accommodations Generally.** The Court shall make reasonable accommodations to allow people with disabilities to participate in Court business as parties or witnesses.

c. **Accommodations for Persons Unable to Travel to Court.** The Court shall offer reasonable accommodations to parties or witnesses who, as a result of disability, are unable to travel to Court or attend regularly scheduled Court proceedings without such accommodations. The Court shall reasonable offer accommodations including, but not limited to, the following:

1. Services by telephone (unable to leave home)

— hearing by telephone

— mediation by telephone

— assistance in preparing or filing court papers

2. Filing by Mail

3. Modified Scheduling/Locations

— special listings (for parties or witnesses who can appear only on certain days, at certain times, or who are unable to stay in Court for a long time)

— flexible listing (for parties or witnesses who may arrive late because of special transportation needs)

— remote location hearings or mediations (for parties or witnesses able to travel short distances but not to the courthouse)

d. **Procedure**

1. At least three business days prior to a court proceeding, or within three business days after service of the complaint, whichever is later, parties or witnesses with disabilities may request reasonable accommodations by telephone, by letter or in person.

2. The Court shall provide to each applicant a verification form to document the requested accommodations and the disability involved, together with a copy of this rule. The Court shall offer and provide assistance in completing the form, if necessary.

3. Within one week of receipt of a completed verification form, the Court Administrator or his or her designee shall notify the applicant orally and in writing as to what accommodations will be provided. The Court may in its discretion require the applicant to provide proof of the disability, such as a doctor's letter or other medical documentation.

4. Any applicant shall have the right to appeal the Administrator's decision relating to accommodations on a form provided by the Court with the Administrator's decision. The appeal shall be decided by a Municipal Court judge in a recorded proceeding.
5. Following receipt of a timely request for accommodation from a party, the Court shall not take any action in the case that is adverse to that party pending notice of its decision under Rule 137(d)(3).

**Note: Adopted May 19, 1995, effective July 10, 1995.**

**Rule 143. Rescission.**

Existing Rules 101 to 121 (Small Claims), 201 to 205 (Landlord/Tenant), and 301 to 304 (Code Enforcements) are rescinded together with every other Rule, regulation, directive, or order of general application, however labeled or promulgated, which has been heretofore enforced by this court to govern civil practice and procedure, and which is inconsistent herewith.

**Rule 144. Effective Date.**

These Rules shall be effective December 11, 1984, and shall apply to all claims or actions filed in or transferred to the Court on or after December 11, 1984. These Rules shall not apply to claims or actions filed in or transferred to the Court prior to December 11, 1984, unless such claims or actions are dismissed or withdrawn without prejudice and reinstated on or after December 11, 1984.

**Rule 205.4. Mandatory Electronic Filing.**

- a. All legal papers filed in the Civil Division of the Philadelphia Municipal Court shall be electronically recorded in the CLAIMS System.
- b. Legal papers that are presented in hard-copy format for recording in the CLAIMS System must conform to the following requirements:
  - 1) Legal papers must not be stapled or permanently bound.
  - 2) Legal papers must be secured by binder clips or other fasteners that do not puncture the paper or otherwise interfere with scanning.
  - 3) The court will ordinarily scan legal papers in the form that they are presented. The filer of legal papers is responsible for the redaction of any personal information that is not intended to be scanned and available for review by the public.
  - 4) To avoid scanning errors, exhibit separator pages must be used instead of exhibit tabs.
- c. Legal papers presented electronically for recording in the CLAIMS System, must conform to the following requirements:
  - 1) All legal papers must be in PDF or a compatible format.
  - 2) All legal papers must be 8 1/2 inches in width.
  - 3) No security devices, passwords or other restrictions may be used.
- d. After legal papers are filed with the court, a filing party seeking to make any changes or amendments to those legal papers must file a Petition to Amend seeking leave of the court to make such changes or amendments. A copy of the amended legal paper shall be attached to the Petition to Amend.
- e. CLAIMS System registration
  - 1) Persons licensed to practice law in the Commonwealth of Pennsylvania who are not registered on the CLAIMS System shall file legal papers in the First Filing Office. At the time of that initial filing, they shall register to be a user of the CLAIMS System and shall obtain a

password. The court reserves the right not to accept at the First Filing Office the filing of legal papers after the initial filing of legal papers if a person licensed to practice law in the Commonwealth of Pennsylvania fails to register on the CLAIMS System.

2) Attorneys registered on the CLAIMS System shall file all legal papers from their remote location in the manner set forth in the CLAIMS System Manual, which is available on the court's web site (<http://courts.phila.gov>).

3) Persons not licensed to practice law in the Commonwealth of Pennsylvania are not permitted to register as a user of the CLAIMS System and are limited to filing four (4) cases per day through the Court's on-site interviewers in the First Filing Office. They may access docket information through the CLAIMS System's public portal. The portal may be found at <http://fjd.phila.gov>. Once on the site, dockets may be accessed by clicking the "Online Services" link and then "MC Civil Docket Search" on the drop-down menu.

f. Payment of costs

1) Attorneys registered on the CLAIMS System shall pay costs by using a VISA, American Express, Master Card and Discover credit card through the fee administrator at the time of filing.

2) Persons filing legal papers in the First Filing Office shall pay costs to the Cashier using cash, a VISA, American Express, Master Card and Discover credit card, or a business check at the time of filing.

3) Payment by advance deposit is not permissible.

g. Service of legal papers shall be the responsibility of the filing party in accordance with the Rules of Civil Procedure and the court's local rules.

*Note: In accordance with Pa.R.C.P. 205.4(a)(1) and 239, this Rule sets forth the requirements for electronic filing in the Philadelphia Municipal Court. Rule 205.4(a)(2) provides definitions of "electronic filing," "filing party" and "legal paper." Those terms are used in the above local rule and the definitions of those terms found in Rule 205.4(a)(2) are incorporated herein by reference. Additionally, the CLAIMS System is the electronic program designed and developed for the Philadelphia Municipal Court.*

*Note: Adopted November 6, 2009, effective 30 days after publication in the Pennsylvania Bulletin.*



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS – TRIAL DIVISION  
PHILADELPHIA MUNICIPAL COURT**

**Joint General Court Regulation No. 2015-01**

***In re: Administrative Search Warrants – Right of Entry –  
Residential and Commercial Properties***

The Philadelphia Code authorizes code officials (i.e., “The Commissioner of Licenses and Inspections [as well as the Fire Commissioner in Fire Code matters] or his or her duly authorized representative charged with the administration and enforcement of such codes”) to enter any building or structure, subject to reasonable limitations, when there is reasonable cause to believe that a code violation exists or a dangerous condition is present which may cause serious harm to the public. *See* Title 4 of the Philadelphia Code, Section A-106 and Section A- 401.2 (2).

The Philadelphia Home Rule Charter also authorizes similar access. Section 5-1004 of the Home Rule Charter provides as follows:

Subject to the limitations of the Constitutions of the United States and of the Commonwealth of Pennsylvania, any officer or employee of the Department of Licenses and Inspections, in the performance of his duties, may at any reasonable hour, without hindrance, enter, examine and inspect all vessels, vehicles, premises, grounds, structures, buildings, and underground passages of every sort, including their contents and occupancies, and may likewise examine, inspect and test any substance, article, equipment or other property.

The United States Supreme Court and this Commonwealth’s appellate courts have had occasion to address the constitutional limitations imposed on city inspectors and code officials. *See eg. Camara v. Municipal Court of San Francisco*, 387 U.S. 523 (1967); *See v. Seattle*, 387 U.S. 541 (1967); *Commonwealth v. Tobin*, 828 A.2d 415 (Pa. Cmwlth. 2003); and *Warrington Township v. Powell*, 796 A.2d 1061 (Pa. Cmwlth. 2002).

In light of the important private and public rights involved and the concomitant necessary restrictions, the intent of this Joint General Court Regulation is to set forth the process to be followed in seeking administrative search warrants to enter and search residential and commercial premises while safeguarding the property rights of the property owners and lessees as well as other legal restrictions.

**1. General Statement.** Generally, a search warrant is not needed to inspect or search commercial premises which are open to the general public. However, the search of residential premises and commercial premises or sections within commercial premises which are not open to the public are presumptively unreasonable if conducted without an administrative search warrant, as provided herein. Moreover, an administrative search warrant to enter or inspect should be sought whenever the property owner, occupant, or possessor refuses entry, even if such administrative search warrant is not legally required.

**2. Residential Property.** Unless the property owner, occupant, possessor, or other authorized agent consents to the entry, inspection or search of a residential premises before the premises are entered, inspected or searched, an administrative warrant shall be obtained as provided in Section 5. Provided, however, that entry, inspection or searches may be conducted due to exigent circumstances, which may include a fire or abandoned lot or property (as defined).

**3. Commercial Property open to the public.** An administrative search warrant is not required to enter, inspect or search a commercial property open to the general public.

**4. Commercial Property not open to the public.** Unless the property owner, occupant, possessor, or other authorized agent consents to the entry, inspection or search of a commercial property not open to the public, an administrative warrant shall be obtained as provided in Section 5. Provided, however, that entry, inspection or searches may be conducted due to exigent circumstances, which may include a fire or abandoned lot or property (as defined).

**5. Application for Administrative Search Warrant and Authorization.** The following process shall be followed in seeking an *Administrative Search Warrant*.

a. **Affiant.** The Commissioner of Licenses and Inspections or any other authorized code officer may file an *Application for Administrative Search Warrant and Authorization*. The name of the Affiant, identification number, Agency name, address and telephone number shall be set forth in the *Application*.

b. **Property to be entered, inspected or searched.** The property to be entered, inspected or searched must be identified and described in as much detail as possible. The description shall include the street address as well as the specific area within the property if necessary.

c. **Property owner, occupant or possessor.** The property owner, occupant, or possessor as disclosed in available property records or other registrations (such as rental agent or business owner) shall be identified.

d. **Reason for entry, inspection or search.** The specific factual and legal reasons for entry, inspection or search must be set forth in as much detail as possible, and any alleged statutory violation or ordinance violation must be identified. In the event a Code Enforcement violation or other legal proceedings are pending, the case number must be provided.

e. **Reasonable Cause.** The affiant shall set forth with specificity the factual reasons which necessitate the entry, inspection or search, such as a violation of a city building, fire or other code with an adverse effect on the public health, safety or welfare. The affiant shall include a statement as to whether the property at issue was previously inspected and if so, the date of such inspection and shall attach any documentation or other description of the results of such inspection.

f. **Review by City Solicitor.** The affiant shall submit the *Application* to the Assistant City Solicitor(s) designated by the City of Philadelphia to review such *Applications* for review and for approval to file such *Application* with the appropriate judicial officer.

g. **The Application is to be brought to the designated Judicial Officer.** The affiant shall bring any *Application* approved by the designated Assistant City Solicitor to the judicial officer designated from time to time by the Administrative Judge of the Trial Division, Court of Common Pleas and/or by the President Judge of Philadelphia Municipal Court, as appropriate.

h. **Oath to be administered by Judicial Officer.** The judicial officer shall administer the requisite oath to the affiant and shall determine whether reasonable cause exists for the issuance

of an Administrative Search Warrant based on the information contained within the *Application* or provided therewith.

i. **Issuance of Administrative Warrant.** If the issuing authority determines that reasonable cause exists for the issuance of an Administrative Search Warrant, the Warrant shall be issued. The judicial officer shall set forth the timing of the service of the Administrative Search Warrant as well as to the return of the Administrative Search Warrant and shall sign and seal the warrant and return it to the affiant. The Warrant shall be returnable to the Judicial Officer upon service. The original *Application*, Warrant and attachments shall be forwarded to the Office of Judicial Records and a copy of the *Application* and all attached documentation shall be retained by the judicial officer.

**6. Reasonable cause to issue Administrative Search Warrants.** Justification for the issuance of an Administrative Search Warrant does not rise to the level of criminal “probable cause.” As the United States Supreme Court noted in *See, supra*, an “agency’s particular demand for access will of course be measured, in terms of probable cause to issue a warrant, against a flexible standard of *reasonableness* that takes into account the public need for effective enforcement the particular regulation involved. *See*, 387 U.S. at 545. (*Emphasis supplied*). This Joint General Court Regulation thus references such standard as “reasonable cause” to highlight the applicable legal standard, while cognizant of the fact that some appellate cases may use the term “probable cause” while noting, as the United States Supreme Court did in *See*, that the administrative search warrant standard does not rise to the level of a criminal search warrant.

The original Joint General Court Regulation shall be filed with the Office of Judicial Records in dockets maintained for General Court Regulations issued by the Administrative Judge of the Court of Common Pleas and the President Judge of the Philadelphia Municipal Court, and one certified copy shall be submitted to the Administrative Office of Pennsylvania Courts. Two certified copies of the Joint General Court Regulation and an electronic copy on a computer diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall be published in *The Legal Intelligencer*, and shall be posted on the First Judicial District’s website at <http://courts.phila.gov>. Copies of this General Court Regulation and shall also be submitted to *American Lawyer Media*, *Jenkins Memorial Law Library*, and the Law Library for the First Judicial District. This General Court Regulation shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

BY THE COURT:

/s/ **Kevin M. Dougherty**

/s/ **Marsha H. Neifield**

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**Honorable Kevin M. Dougherty**  
Administrative Judge, Trial Division  
Court of Common Pleas  
Chair, Administrative Governing Board

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**Honorable Marsha H. Neifield**  
President Judge,  
Philadelphia Municipal Court  
Philadelphia County

Date: 10/26/15

Date: 10/26/15