

**SUPREME COURT OF PENNSYLVANIA  
Minor Court Rules Committee**

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Amendment of Pa.R.Civ.P.M.D.J. 514.1**

The Minor Court Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 514.1, pertaining to the use of a domestic violence affidavit in residential landlord tenant appeals, for the reasons set forth in the accompanying Publication Report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to include the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

**Pamela S. Walker, Counsel  
Minor Court Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9546  
minorrules@pacourts.us**

All communications in reference to the proposal should be received by **March 21, 2025**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee,

Hon. Alexandra Kokura Kravitz  
Chair

**Rule 514.1. Domestic Violence Affidavit.**

**[A.](a)[A] Time to File. Within 30 days after the entry of judgment for possession by the magisterial district judge, the** tenant in a residential lease action who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court **[in order] to** stay the execution of an order for possession, **subject to the limits of subdivision (c).**

**[B.](b) Form of Affidavit.** The domestic violence affidavit shall be on a form prescribed by the State Court Administrator and shall require the tenant to affirm that he or she is a victim of domestic violence.

**[C.](c) Length of Stay.** The filing of the domestic violence affidavit with the magisterial district court shall stay the execution of an order for possession **for up to 30 days after entry of the judgment by the magisterial district judge.** The stay will terminate as of the **earliest of:**

- (1)** the filing of an appeal with the prothonotary pursuant to **[Rule 1002,] Pa.R.Civ.P.M.D.J. 1002B(2);**
- (2)** 30 days after the date of entry of the judgment **by the magisterial district judge[.];** or
- (3)** by order of the court of common pleas[, **whichever is earlier**].

**[D.](d) Docket.** The magisterial district court shall enter the domestic violence affidavit on the docket of the residential lease action.

**[E.](e) Service on Landlord.** The magisterial district court shall serve a copy of the domestic violence affidavit on the landlord by mailing it to the landlord at the address as listed on the complaint form filed in the magisterial district court or as otherwise appearing in the records of that office, or the attorney of record, if any, of the landlord.

**[F.](f) Appeal.** The tenant shall attach a copy of the domestic violence affidavit to an appeal filing made pursuant to **[Rule 1002] Pa.R.Civ.P.M.D.J. 1002B(2)(a).**

**[G.](g) Confidentiality.** The domestic violence affidavit is not a public record and it shall not be **[publically] publicly** accessible.

**[Official Note:] Comment:** The appeal period for a **tenant who is a** victim of domestic violence in a case arising out of a residential lease is 30 days. See **[Rule 1002B(2)] Pa.R.Civ.P.M.D.J. 1002B(2)(a)**; see also **[68 P.S. § 250.513] 68 P.S. 250.513(b)**. A tenant who is a victim of domestic violence may file a domestic violence affidavit with the magisterial district court to prevent the execution of an order for possession prior to filing an appeal. The filing of the affidavit will prohibit the execution of an order for possession until after the 30th day following the date of entry of judgment, giving the tenant time to make the necessary appeal filing with the prothonotary pursuant to **[Rule 1002] Pa.R.Civ.P.M.D.J. 1002B(2)(a)**. If the tenant does not file a domestic violence affidavit with the magisterial district court within 21 days following the date of entry of judgment, the tenant is at risk of eviction. **The domestic violence affidavit may only be filed during the period between the entry of the judgment in the magisterial district court and the filing of an appeal with the prothonotary, but no later than 30 days after the date of judgment.**

The domestic violence affidavit set forth in **[subdivision B] subdivision (b)** shall contain the name of the tenant who is a victim of domestic violence, the name of the perpetrator, the perpetrator's relationship to the tenant who is a victim of domestic violence, and the docket number for any protection from abuse case involving the tenant who is a victim of domestic violence and the perpetrator. The affidavit shall contain the tenant's verification that the statements made in the affidavit are true and correct to the best of the tenant's knowledge, information, and belief, and that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

No posting of money or bond is required to obtain a stay with the filing of a domestic violence affidavit. However, upon the filing of an appeal pursuant to **[Rule 1002] Pa.R.Civ.P.M.D.J. 1002B(2)(a)**, the stay is lifted, and the *supersedeas* requirements of **[Rule 1008] Pa.R.Civ.P.M.D.J. 1008** shall apply.

If the landlord wishes to challenge the affidavit of domestic violence, the landlord shall only do so by filing an appropriate motion in the court of common pleas. No action challenging the domestic violence affidavit on any grounds shall be filed in the magisterial district court.

This rule establishes that the domestic violence affidavit is not a public record and shall not be **[publically] publicly** accessible. See *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, Section 9.0F.

**SUPREME COURT OF PENNSYLVANIA**  
**Minor Court Rules Committee**

**PUBLICATION REPORT**

**Proposed Amendment of Pa.R.Civ.P.M.D.J. 514.1**

The Minor Court Rules Committee (“Committee”) is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.Civ.P.M.D.J. 514.1, pertaining to a domestic violence affidavit used to assert a 30-day appeal period from a residential landlord-tenant judgment by a victim of domestic violence.

By way of background, in 2020, the Court adopted rules concerning the 30-day appeal period in residential lease actions for tenants who are victims of domestic violence. See 50 Pa.B. 4502 (September 5, 2020). The Committee proposed the changes to incorporate 68 P.S. § 250.513(b) into the rules. Section 250.513 provides for a 30-day appeal period in a residential landlord-tenant proceeding for a victim of domestic violence, in contrast to the standard 10-day appeal period in other residential landlord-tenant cases. A victim of domestic violence is statutorily defined as “a person who has obtained a protection from abuse order against another individual or can provide other suitable evidence as the court shall direct.” See 68 P.S. § 250.513(e).<sup>1</sup>

A magisterial district judge recently advised the Committee that a tenant who had appealed an adverse judgment in a landlord-tenant proceeding attempted to file a domestic violence affidavit after the termination of a *supersedeas* at the court of common pleas and well after 30 days past the entry of the magisterial district court judgment. In this case, the tenant sought to use the domestic violence affidavit to stay eviction in a manner for which it was not intended.

Upon examining Pa.R.Civ.P.M.D.J. 514.1, the Committee believes it would benefit from amendments to specify limits on the time for filing a domestic violence affidavit. While subdivision (c) of the rule identifies the point at which a stay granted following the filing of a domestic violence affidavit terminates, the Committee agreed subdivision (a) should be amended to state the time for filing the affidavit.

The Committee proposes amendments to Pa.R.Civ.P.M.D.J. 514.1 to clarify the time for filing a domestic violence affidavit. Proposed subdivision (a) provides that the domestic violence affidavit may be filed within 30 days after the date of entry of the

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<sup>1</sup> The definition of victim of domestic violence in Pa.R.Civ.P.M.D.J. 501(3) and Pa.R.Civ.P.M.D.J. 1001(10) differs from § 250.513(e) by omitting the phrase “as the court shall direct.” Courts do not “direct” the parties on the evidence needed to substantiate their claims.

judgment by the magisterial district judge. Proposed subdivision (a) was further revised to clarify that a stay issued pursuant to the rule is subject to the limits of subdivisions (c). A new provision was added to the commentary to explain that the domestic violence affidavit may only be filed between the entry of the judgment in the magisterial district court and the filing of an appeal with the prothonotary, but no later than 30 days after the date of judgment. It is the Committee's intention that these amendments will clarify that the protections of the domestic violence affidavit are only available during the 30 days following entry of the judgment for possession and not at subsequent points following an appeal.

Proposed subdivision (c) clarifies that the stay of execution of the order for possession following the filing of a domestic violence affidavit may be in effect for up to 30 days after entry of the judgment. Subdivision (c) would be further amended by adding subdivision designations to the three events that terminate the stay.

The Committee welcomes all comments, concerns, and suggestions regarding this proposal.