

**SUPREME COURT OF PENNSYLVANIA
MINOR COURT RULES COMMITTEE**

ADOPTION REPORT

Amendment of Rule 209 and Adoption of Rule 504.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges

On July 31, 2025, the Supreme Court amended Rule 209 and adopted Rule 504.1 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges to add provisions relating to mediation in landlord-tenant proceedings. The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Background

The Committee was first asked to consider developing rules to facilitate eviction diversion programs, e.g., mediation, in 2021. Housing advocates suggested rules that would support local eviction diversion programs and encourage informal settlement of landlord-tenant disputes by requiring or encouraging landlords to seek mediation prior to filing an eviction complaint.

The Committee was informed that programs across the Commonwealth were encouraging landlords and tenants to resolve their differences prior to the entry of a judgment for possession. The rationale for developing informal resolution procedures for landlord-tenant disputes is that it could remove the disgrace on tenants of an eviction judgment when seeking new housing, serve the interest of judicial economy by diverting cases to mediation programs, and address a then-anticipated increase in landlord-tenant cases following expiration of COVID-related eviction moratoria. Housing advocates favored local rulemaking, observing that it would enable local communities to maximize the impact of resources created to support tenants with rental assistance, aid landlords in recouping missed rental income, and ease strain on already over-burdened emergency resources.

Discussion

Preliminarily, the concept of informal resolution is not foreign in magisterial district courts. The courtroom may be the first opportunity for the parties to calmly meet and discuss the dispute after a complaint has been filed. One difference between a settlement conference and mediation is the facilitator. The use of a mediator permits *ex parte*

communications with the mediator, unlike communications with a magisterial district judge. Further, successful mediation often will produce agreements that conditionally postpone eviction proceedings provided that the terms are met. Indeed, the “pay and stay” concept is not new to landlord-tenant actions. See Pa.R.Civ.P.M.D.J. 518 (Satisfaction of Order by Payment of Rent and Costs).

The Committee was mindful that a mediation program cannot be imposed on judicial districts as an unfunded mandate. It is anticipated that mediation programs will be funded in whole or in part by non-judicial entities and not the courts. Related to the cost of mediation programs, an additional factor is the availability of third-party resources to offset rent arrears when nonpayment is the basis for eviction. This factor can be significant to obtain landlord participation and commitment to the mediation process.

Accordingly, the Committee recommended amendments to Pa.R.Civ.P.M.D.J. 209 (Continuances) and a new Pa.R.Civ.P.M.D.J. 504.1 (Mediation) to authorize the promulgation of local rules governing mediation in residential landlord-tenant actions. While discussing landlord-tenant mediation programs, the Committee determined that authorization of local mediation programs could create the potential for conflict with Pa.R.Civ.P.M.D.J. 209, pertaining to continuances. Currently, Rule 209(c) provides that, except for good cause shown, the aggregate of all continuances in landlord-tenant matters shall not extend beyond 30 days from the date of filing the landlord-tenant complaint. The Committee agreed it would be prudent to reflect explicitly that continuances may extend beyond current limits when agreed to by the parties. Therefore, Pa.R.Civ.P.M.D.J. 209(c) limits continuances beyond 30 days except by agreement of the parties. See Pa.R.Civ.P.M.D.J. 209(c)(2)(ii). Therefore, mediation by local rule will not impermissibly postpone the hearing unless agreed to by the parties.

Regarding Pa.R.Civ.P.M.D.J. 504.1, subdivision (a) delegates procedural responsibility to individual judicial districts via local rulemaking. This approach is intended to provide maximum flexibility so mediation programs can be designed and implemented based upon local resources and need. Additionally, the non-specific statewide rule would have minimal impact on existing programs in operation.

Subdivision (b) requires the filing of a complaint prior to mediation. This action was considered necessary to subject the parties to the court’s jurisdiction and any requirement for mediation. Moreover, a pre-filing mediation requirement would operate as a barrier for an aggrieved party to access the courts. Any pre-filing requirement appears to be a matter of public policy reserved for a legislative body rather than one of procedure by the judiciary.

The commentary accompanying Pa.R.Civ.P.M.D.J. Rule 504.1 emphasizes that mediation should involve a neutral third party. This language is intended to address concerns that mediation programs may be tilted in favor of either the tenant or landlord.

The Committee published the proposal for public comment. See 53 Pa.B. 3822 (July 22, 2023). The Committee received comments both supporting and opposing the proposal. As drafted, the proposal was silent on the qualifications of mediators or the approval of entities to conduct mediation. In response to public comment, the Committee proposed a new subdivision (c) to authorize the president judge to approve entities and individuals authorized to conduct mediation in the judicial district. See Pa.R.Civ.P.M.D.J. 504.1(c).

Other commenters suggested increasing the maximum allowable time for continuances in landlord-tenant proceedings, absent good cause or consent of the parties, from 30 days to 60 days citing logistics of scheduling and resolving mediations in high volume courts. The Committee did not endorse this change because the current 30-day continuance allowance would permit the parties to explore mediation and mutually agree to further continuances, if so inclined.

Finally, as published, the commentary to Rule 504.1 reflected that a local rule may address whether “initial participation in mediation is voluntary or mandatory.” However, the reference to “initial participation” was found to be confusing and suggested that mediation could be required before filing of the complaint. Therefore, that phrase was removed from the commentary. See *a/so* Pa.R.Civ.P.M.D.J. 504.1(b).

The amendment and adoption become effective on October 1, 2025.