

PAA CENTRAL
GOVERNMENT AFFAIRS COMMITTEE
LEGISLATIVE UPDATE – AUGUST 2014

Key:

HB = House Bill
PN = Printer's Number
SB = Senate Bill
** = new since last update

Newly Introduced Legislation

******SB1182/PN2221**

Known as the Medical Cannabis Act, this bill would prohibit landlords from refusing to rent to prospects, or penalize tenants, solely for having medical marijuana access cards or using medical marijuana, unless landlords would lose a monetary or licensing related benefit under federal law.

New Laws Taking Effect in 2014

Carbon Monoxide Alarm Standard Act, Act 121-2013 (SB 607/PN 577)

Signed by the Governor on December 18, 2013, this law requires that all apartment units and multifamily dwellings that use fossil fuel-burning appliances or have an attached garage have a centrally located and approved carbon monoxide alarm near bedrooms and the fossil fuel-burning appliance. The law outlines landlords' and tenants' obligations with regard to the alarms. In general, landlords must make sure that the alarms are present and working at the beginning of the tenancy, and the tenants are responsible for upkeep, battery replacement, replacement of the alarm if lost, stolen, removed or broken during the tenancy, and notification to landlords if the alarm is not working. The Act became effective immediately, but gives landlords 18 months (until June 2015) to become compliant.

Covered Device Recycling Act, Act 180-2010

Parts of this law took effect in 2010, but the provisions that affect the industry took effect on January 24, 2013. This law requires proper disposal, at approved collection sites, of certain electronics for recycling.

Pending Legislation

SB 48/PN 17

Would amend Act 129 of 2012 (the Abandoned Property Act of 2012) by including the situation where a resident has physically vacated, abandoned and surrendered the premises without notice or providing a forwarding address to the definition of relinquishing possession of an apartment. In essence, this Bill would provide landlords with similar rights to property abandoned by residents who “skip out.”

SB 315/PN 226

Would amend the Landlord and Tenant Act by adding a requirement that landlords disclose to prospective tenants of residential properties the flood history of the property, including the frequency and extent of any flooding, and notify prospective tenants that they can obtain additional information from the Federal Emergency Management Agency. The bill defines residential property as a “single residential dwelling unit,” so it is unclear whether the requirement would apply to apartment communities.

SB 607/PN 577

Would create the Carbon Monoxide Alarm Standard Act, which would require approved carbon monoxide alarms in rental properties that use fossil fuel burning heaters or appliances, or that have fireplaces or attached garages. The Act provides for the required locations of the alarms and identifies the landlord’s and the tenant’s obligations with regard to the alarms. See also HB 968. *****Signed by Governor 12/18/13. See above.

SB 1176/PN1569

Would amend the Pennsylvania Crimes Code to prohibit rental owners from requiring renters to declaw or devocalize their pets. Penalties could include \$1,000 per animal.

SB1243/PN1778

Would create the Decontamination of Clandestine Lab Sites Act. Among other things, the Act would provide for restitution to the owner of property by anyone convicted of manufacturing or attempting to manufacture a controlled substance in the property, allow any county or local health department to prohibit the property’s occupancy or use until the property has been assessed and remediated in accordance with the Department of Health’s standards, and require certain notices to be published regarding such properties and disclosures in the event of a proposed sale of the property.

SB1279/1836

Would require carbon monoxide detectors to be installed in dorms of institutions of colleges and universities if the dorm used a fossil fuel-burning heater or appliance or has an attached garage

HB 193/PN 199

Would amend the Landlord and Tenant Act by changing the timing for an eviction hearing from “not less than seven nor more than ten days” from the date of the LT complaint to “not more than seven days” from the date of the complaint. The bill would also reduce the appeal period on a LT judgment from ten days to five days.

HB 217/PN 221

Would amend the Landlord and Tenant Act by requiring all properties with more than twenty-six units to provide 24-hour monitored security in and about the premises. The bill excludes manufactured home communities.

HB 797/PN 908

Would amend the Landlord and Tenant Act to provide that landlords may not require rent or security deposit payments via cash or electronic funds, except in the case of a tenant who has given a landlord a bad check or has stopped payment on a check. In such case, the Bill provides for certain notices to the tenant that cash is required, and limits the “cash-only” requirement to three months.

HB 593/PN 655

Called the *Residential Lease Protection for Illness Act*, would allow a tenant with a terminal or mental illness, that is certified by a physician, to terminate his/her lease upon 30 days written notice. The Act would be effective only as to leases entered into after the date of its enactment, and would not apply to a tenant who knew or had reason to know of the terminal or mental illness at the time he/she entered into the lease. The Act would also require that a landlord give access to the premises to certain persons designated by the tenant.

HB 935/PN 1073

Would amend the Pennsylvania Human Relations Act to prohibit employers and landlords from requiring prospects to disclose criminal histories on applications for employment, housing and commercial leases

HB 968/PN 1109

Would create the Carbon Monoxide Alarm Standard Act, which would require approved carbon monoxide alarms in rental properties that use fossil fuel burning heaters or appliances, or that have fireplaces or attached garages. The Act provides for the required locations of the alarms and identifies the landlord's and the tenant's obligations with regard to the alarms. See also SB 607 (which the Governor signed into law on 12/18/13).

HB 1117/PN 1354

Would amend the Landlord and Tenant Act to provide that the conviction of a tenant for the unlawful discharge of a firearm in a rental property constitutes a breach of a lease and is grounds for eviction.

HB 1153/PN 1410

Would amend the Landlord and Tenant Act to allow a landlord to request an order for possession immediately upon entry of a judgment for possession, and obtain possession as early as the eleventh day after judgment. The Bill, if passed, would also require a landlord to certify, by affidavit, that the tenant has not paid the judgment amount plus costs, and that no appeal has been filed.

HB 1218/PN 1543

Would amend the Landlord and Tenant Act to allow an estate of a deceased tenant, if he/she was the sole tenant, to terminate a lease upon 14 days' notice on the last day of the month after the death or upon surrender of the apartment and the removal of all personal property, whichever occurs later.

HB1270/PN 1636

Would amend the Landlord and Tenant Act to allow individuals with disabilities and senior citizens to terminate a lease if they need to relocate to (1) a health care facility, or (2) a family member's home for the purpose of receiving home health care for a period of not less than six months. The bill also describes the notice and documentation that such tenant must provide to the landlord in order to terminate the lease.

HB 1495/PN 1977

Would amend the Landlord Tenant Act to add satellite services to the provisions of Section 501-B, *et seq* regarding tenants' rights to cable television. It would also change the provider's notice to the landlord when a tenant requests cable or satellite TV. Currently, the operator merely has to notify the landlord "in writing." Under the Bill, the operator would have to notify the landlord by certified mail.

HB 1713/PN 2396

Would amend the abandoned property provisions of the Landlord and Tenant Act by modifying the definition of relinquishment of premises by adding if the tenant vacates without providing notice or a forwarding address and if the landlord gives the notices required under the Act by mailing to the leased premises or personal delivery to the tenant. In this case, the tenant would have 25 days to notify the landlord if the tenant wishes to retrieve the property and 20 days thereafter to retrieve it. If the landlord violates the Act, it could be liable for damages equal to double the value of the property.

HB 1714/PN 2397

Would amend the abandoned property provisions of the Landlord and Tenant Act by broadening the definition of relinquishment of premises and providing for notices to an estate if the tenant is deceased.

HB 1715/PN 2398

Would amend the abandoned property provisions of the Landlord and Tenant Act by modifying the definition of relinquishment of premises by adding 1) if the tenant vacates without providing notice or a forwarding address and if the landlord gives the notices required under the Act by posting on the leased premises or mailing to the tenant, or (2) if the tenant is deceased, rent is late by 15 days and death certificate is issued 14 days before landlord provides notices under the Act.

HB 1743/PN2459

Would amend the Landlord and Tenant Act to require immediate notice to tenant of the entry of a foreclosure judgment and to prevent a foreclosure sale sooner than ninety days after such notice.

HB 1744/PN2460

Would amend the Landlord and Tenant Act to require certain notices to tenant regarding foreclosures depending on the length of the tenancy.

HB 1796/PN 2574

If enacted this bill would prohibit municipalities from enacting ordinances that require landlords to evict residents who have summoned the police or emergency assistance.