

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1441 Session of 2023

INTRODUCED BY BOROWSKI, SCHLOSSBERG, KINSEY, MADDEN, GUENST, KHAN, SANCHEZ, PARKER, HILL-EVANS, KAZEEM, ROZZI, KRAJEWSKI, GILLEN, CERRATO, GREEN, MAYES, SMITH-WADE-EL, FRANKEL, BOYD, WEBSTER AND T. DAVIS, JUNE 20, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 26, 2024

AN ACT

1 Amending the act of April 6, 1951 (P.L.69, No.20), entitled "An
2 act relating to the rights, obligations and liabilities of
3 landlord and tenant and of parties dealing with them and
4 amending, revising, changing and consolidating the law
5 relating thereto," providing for tenants' rights in cases of
6 violence.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of April 6, 1951 (P.L.69, No.20), known
10 as The Landlord and Tenant Act of 1951, is amended by adding an
11 article to read:

12 ARTICLE V-C

13 TENANTS' RIGHTS IN CASES OF VIOLENCE

14 Section 501-C. Definitions.

15 The following words and phrases when used in this article
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Attesting third party." A law enforcement official,

1 licensed health care professional, licensed social worker,  
2 victim advocate or victim service provider.

3 "Domestic violence." The occurrence of any of the following  
4 acts between family or household members as defined in THAT <--  
5 PHRASE IS DEFINED UNDER 23 Pa.C.S. § 6102(a) (relating to  
6 definitions):

7 (1) Intentionally, knowingly or recklessly causing, or  
8 attempting to cause, bodily injury, serious bodily injury or  
9 sexual assault.

10 (2) Placing another individual in reasonable fear of  
11 imminent serious bodily harm.

12 (3) An act of domestic and other violence as defined in  
13 55 Pa. Code § ~~3041.3~~ 3042.3 (relating to definitions). <--

14 (4) The infliction of false imprisonment under 18  
15 Pa.C.S. § 2903 (relating to false imprisonment).

16 "Domestic violence counselor/advocate." As defined in 23  
17 Pa.C.S. § 6102(a).

18 "Eligible tenant." Any of the following:

19 (1) A tenant who is a victim.

20 (2) A tenant who has ~~a~~ AN IMMEDIATE family or household <--  
21 member who is a victim. <--

22 ~~"Family or household member." Any of the following:~~

23 ~~(1) Family or household members as defined in 23 Pa.C.S.~~  
24 ~~§ 6102.~~

25 ~~(2) An individual who habitually resides in the same~~  
26 ~~dwelling unit as a tenant.~~

27 ~~(3) An individual who previously habitually resided with~~  
28 ~~a tenant for a period of not less than two years and who has~~  
29 ~~an established and emotionally significant relationship with~~  
30 ~~that individual.~~ AND ONE OF THE FOLLOWING APPLY: <--

1           (I) THE VICTIM RESIDES IN THE SAME DWELLING UNIT AS  
2           THE TENANT;

3           (II) THE VICTIM RESIDED WITHIN 1,000 FEET OF THE  
4           TENANT'S DWELLING UNIT AT THE TIME OF THE APPLICABLE ACT  
5           OR CRIME;

6           (III) THE APPLICABLE ACT OR CRIME WAS COMMITTED IN  
7           THE TENANT'S DWELLING UNIT OR WITHIN 1,000 FEET OF THE  
8           TENANT'S DWELLING UNIT;

9           (IV) THE IMMEDIATE FAMILY OR HOUSEHOLD MEMBER OF THE  
10          TENANT IS A VICTIM OF STALKING; OR

11          (V) THE IMMEDIATE FAMILY OR HOUSEHOLD MEMBER OF THE  
12          TENANT IS A VICTIM WHO WAS KILLED IN THE APPLICABLE ACT  
13          OR CRIME.

14          "IMMEDIATE FAMILY OR HOUSEHOLD MEMBER." ANY OF THE  
15          FOLLOWING:

16           (1) A CHILD OR LEGAL WARD OF THE TENANT WHETHER OF A  
17           BIOLOGICAL, FOSTER, ADOPTIVE OR STEP RELATIONSHIP AND  
18           REGARDLESS OF AGE.

19           (2) A PARENT, STEP PARENT OR LEGAL GUARDIAN OF A TENANT  
20           OR OF A TENANT'S SPOUSE OR DOMESTIC PARTNER OR AN INDIVIDUAL  
21           WHO STOOD IN LOCO PARENTIS TO THE TENANT WHEN THE TENANT WAS  
22           A MINOR CHILD.

23           (3) AN INDIVIDUAL TO WHOM THE TENANT IS LEGALLY MARRIED  
24           OR THE DOMESTIC PARTNER UNDER THE LAWS OF ANY STATE OR  
25           POLITICAL SUBDIVISION.

26           (4) A SIBLING, GRANDPARENT OR GRANDCHILD WHETHER OF A  
27           BIOLOGICAL, FOSTER, ADOPTIVE OR STEP RELATIONSHIP OF THE  
28           TENANT OR THE TENANT'S SPOUSE OR DOMESTIC PARTNER.

29           (5) AN INDIVIDUAL WHO RESIDES IN THE SAME DWELLING UNIT  
30           AS A TENANT.

1 "Rape crisis center." As defined in 42 Pa.C.S. § 5945.1(a)  
2 (relating to confidential communications with sexual assault  
3 counselors).

4 "Responsible party." An individual who commits, or is  
5 alleged to have committed, an act of which a tenant or a AN <--  
6 IMMEDIATE family or household member of the tenant is a victim.

7 "Sexual violence." As defined in 42 Pa.C.S § 62A03 (relating  
8 to definitions).

9 "Stalking." As defined in 18 Pa.C.S. § 2709.1 (relating to  
10 stalking).

11 "Tenant." An individual who is a party to a WRITTEN lease of <--  
12 a dwelling unit and is entitled to possession of the dwelling  
13 unit.

14 "Victim." Any of the following:

15 (1) An individual against whom an act of domestic  
16 violence, sexual violence or stalking was committed or  
17 attempted, regardless of whether a responsible party was  
18 arrested or adjudicated for the commission of a crime.

19 (2) An individual against whom a crime as defined in  
20 section 103 of the act of November 24, 1998 (P.L.882,  
21 No.111), known as the Crime Victims Act, was committed or  
22 attempted, regardless of whether an alleged responsible party  
23 was arrested or adjudicated for the commission of the crime,  
24 if the crime or attempt directly resulted in the <--  
25 individual's:

26 (i) DIRECTLY RESULTED IN THE INDIVIDUAL'S physical <--  
27 injury or death; or

28 (ii) mental injury and where there was a reasonably <--  
29 perceived or actual threat of physical injury. (II) <--

30 INCLUDED THE RESPONSIBLE PARTY EXHIBITING, DRAWING,

1 BRANDISHING OR USING A FIREARM OR OTHER DEADLY WEAPON OR  
2 INSTRUMENT AND DIRECTLY RESULTED IN THE MENTAL INJURY OF  
3 THE INDIVIDUAL AGAINST WHOM THE CRIME WAS COMMITTED.

4 (3) An individual who is an intervenor as defined in  
5 section 103 of the Crime Victims Act in an act or crime  
6 described under paragraph (1) or (2).

7 (4) An individual who was physically present at the  
8 scene of an act or crime described under paragraph (1) or (2)  
9 and witnessed the act or crime and who, as a direct result: <--

10 ~~(i) suffers physical or mental injury; or~~

11 ~~(ii) reasonably believes that the individual is~~  
12 ~~under the threat of physical harm.~~, SUFFERS PHYSICAL OR <--  
13 MENTAL INJURY.

14 "Victim advocate." An individual, whether paid or serving as  
15 a volunteer, who provides services to victims under the auspices  
16 or supervision of a victim service provider, court or law  
17 enforcement or prosecution agency.

18 "Victim service provider." An agency or organization that  
19 provides services to victims. The term includes a rape crisis  
20 center or domestic violence counselor/advocate.

21 Section 502-C. Early release or termination of lease.

22 (a) Release authorized.--If a tenant is an eligible tenant  
23 and the tenant needs to relocate as a result of an applicable  
24 act or crime, the tenant may be released from a lease by  
25 providing a notice in accordance with subsection (b).

26 (b) Required release.--

27 (1) An eligible tenant shall be released from a lease if  
28 the tenant provides the landlord with a valid notice under  
29 this subsection no later than ~~180~~ 120 days from the date of <--  
30 any of the following, whichever is later:

1           (i) The most recent occurrence of an act or crime  
2 which makes the tenant an eligible tenant.

3           ~~(ii) A document described under paragraph (2)(ii),~~ <--  
4 ~~(iii), (iv), (v), (vi) or (vii) (2)(II)(A), (B), (C),~~ <--  
5 ~~(D), (E) OR (F) is issued.~~

6           (iii) The responsible party is released from a  
7 prison, jail, juvenile detention facility or any other  
8 detention facility or institution.

9           (2) A valid notice from the tenant under paragraph (1)  
10 shall include any of the following: <--

11           (i) A written notice signed by the tenant of the  
12 tenant's intent to be released from the lease as of a  
13 specific date. The written notice under this subparagraph  
14 shall include a statement that the tenant intends to  
15 relocate for the safety or the physical, mental or <--  
16 ~~financial~~ OR MENTAL well-being of the tenant or a AN <--  
17 IMMEDIATE family or household member of the tenant as a  
18 direct result of an act of which the tenant or a AN <--  
19 IMMEDIATE family or household member is a victim.

20           ~~(ii) A copy of a valid court order that restrains~~ <--

21           (II) UNLESS THE LANDLORD STATES IN WRITING THAT <--  
22 ADDITIONAL DOCUMENTATION IS NOT NECESSARY, ONE OF THE  
23 FOLLOWING:

24           (A) A COPY OF A VALID COURT ORDER THAT RESTRAINS  
25 the responsible party from contact with the tenant or  
26 ~~a AN IMMEDIATE family or household member of the~~ <--  
27 tenant.

28           ~~(iii) A letter from a medical or mental health~~ <--

29           (B) A LETTER FROM A LICENSED MEDICAL OR MENTAL <--  
30 HEALTH provider indicating that the tenant or a AN <--

1 IMMEDIATE family or household member of the tenant is  
2 a victim.

3 ~~(iv) A police report documenting the act of which~~ <--  
4 (C) A POLICE REPORT DOCUMENTING THE ACT OF WHICH <--  
5 the tenant or a AN IMMEDIATE family or household <--  
6 member of the tenant is a victim.

7 ~~(v) Evidence that the responsible party has been~~ <--  
8 (D) EVIDENCE THAT THE RESPONSIBLE PARTY HAS BEEN <--  
9 charged with or convicted of an act of which the  
10 tenant or a AN IMMEDIATE family or household member <--  
11 of the tenant is a victim.

12 ~~(vi) A written certification form developed by the~~ <--  
13 (E) A WRITTEN CERTIFICATION FORM DEVELOPED BY <--  
14 THE Office of Victim Advocate and signed by the  
15 tenant and an attesting third party in accordance  
16 with section 503-C.

17 ~~(vii) If the tenant's family or household member is~~ <--  
18 (F) IF THE TENANT'S IMMEDIATE FAMILY OR <--  
19 HOUSEHOLD MEMBER IS deceased as a result of a crime,  
20 any of the following:

21 ~~(A) A written verification of death, burial or~~ <--  
22 (I) A WRITTEN VERIFICATION OF DEATH, BURIAL <--  
23 OR memorial services from a mortuary, funeral <--  
24 home, burial society, crematorium, religious  
25 institution, medical examiner or government  
26 agency.

27 ~~(B) A published obituary.~~ <--  
28 ~~(C) A death certificate.~~

29 (II) A PUBLISHED OBITUARY. <--  
30 (III) A DEATH CERTIFICATE.

1 (c) Effect of notice.--After a valid notice is provided by a  
2 tenant in accordance with subsection (b), the following shall  
3 apply:

4 (1) The tenant shall be released from the lease no later  
5 than any of the following: <--

6 ~~(i) Fifteen~~ 30 days after the date the notice was <--  
7 provided, or on the date specified in the notice under  
8 subsection (b)(2)(i), whichever is later, if the tenant  
9 vacates the dwelling unit on or before the applicable  
10 date. and the landlord operates five or more dwelling <--  
11 units in this Commonwealth.

12 ~~(ii) Thirty days after the date the notice was~~  
13 provided, or on the date specified in the notice given by  
14 the tenant under subsection (b)(2)(i), whichever is  
15 later, if the tenant vacates the dwelling unit on or  
16 before the applicable date and the landlord operates less  
17 than five dwelling units within this Commonwealth.

18 (2) The tenant shall not be liable for rent or other  
19 obligations under the lease accruing after the date of the  
20 termination.

21 (3) The termination shall not affect the tenant's  
22 obligations OR OUTSTANDING RENTS OR ARREARS under the lease <--  
23 accruing before the date of the termination.

24 (d) Construction.--Nothing in this section shall be  
25 construed to relieve a tenant who is not an eligible tenant from  
26 the tenant's obligations under a lease. If there are multiple  
27 tenants who are parties to a lease, the release of one or more  
28 tenants under this section shall not terminate the lease with  
29 respect to the other non-terminating tenants. A tenant released  
30 from a lease under this section shall not be liable to the



1 landlord or any other person for rent accruing after the  
2 tenant's release or for actual damages resulting from the  
3 tenant's release from the lease.

4 (e) Limitation.--A tenant may not seek the termination of or  
5 a release from a lease under this section on the basis of an act  
6 for which the tenant is the responsible party.

7 Section 503-C. Certification form requirements.

8 (a) Certification form.--The Office of Victim Advocate shall  
9 develop and display on the Office of Victim Advocate's publicly  
10 accessible Internet website a certification form with the  
11 requirements specified under subsection (b).

12 (b) Required information.--

13 (1) A tenant shall verify all of the following  
14 information in the certification form developed by the Office  
15 of Victim Advocate for the purpose of section 502-C(b)(2)(vi) <--  
16 502-C(B)(2)(II)(E): <--

17 (i) The tenant's name and the address of the  
18 dwelling unit.

19 (ii) The name of the victim if different from the  
20 tenant's name.

21 (iii) The name of the responsible party if known and  
22 can be safely disclosed.

23 (iv) The approximate dates and locations during  
24 which the act or acts which qualify the tenant as an  
25 eligible tenant occurred, including the most recent date.

26 (v) A statement that the tenant intends to relocate  
27 for the safety or the physical, mental or financial OR <--  
28 MENTAL well-being of the tenant or a AN IMMEDIATE family <--  
29 or household member of the tenant as a direct result of  
30 an act of which the tenant or a AN IMMEDIATE family or <--

1 household member is a victim.

2 (VI) THE DATE ON WHICH THE TENANT INTENDS TO VACATE <--  
3 THE DWELLING UNIT.

4 (2) An attesting third party shall verify all of the  
5 following information in the certification form developed by  
6 the Office of Victim Advocate for the purpose of section  
7 section 502-C(b) (2) (vi) 502-C(B) (2) (II) (E): <--

8 (i) The name and business telephone number of the  
9 attesting third party.

10 (ii) The capacity in which the attesting third party  
11 received the information that the tenant or a AN <--  
12 IMMEDIATE family or household member was a victim.

13 (iii) A statement that the attesting third party:

14 (A) read the tenant's verification under  
15 paragraph (1) and has been advised by the tenant that  
16 the tenant or a AN IMMEDIATE family or household <--  
17 member of the tenant is a victim;

18 (B) believes that the tenant or a AN IMMEDIATE <--  
19 family or household member of the tenant is a victim;

20 (C) believes the tenant is an eligible tenant;

21 (D) believes that the tenant needs to relocate  
22 for the safety or the physical, mental or financial <--  
23 OR MENTAL well-being of the tenant or a AN IMMEDIATE <--

24 family or household member of the tenant as a direct  
25 result of an act of which the tenant or a AN <--  
26 IMMEDIATE family or household member is a victim; and

27 (E) understands that the verification under this  
28 paragraph may be used as the basis for releasing the  
29 tenant from a lease.

30 (c) Confidentiality.--Furnishing evidence or providing a

1 verification under this section or section 502-C shall not waive  
2 a confidentiality or privilege that may exist between the tenant  
3 or victim and a third party.

4 Section 504-C. Change of locks.

5 (a) Right of tenants.--Subject to subsections (b) and (c),  
6 if a tenant is an eligible tenant and the tenant has a  
7 reasonable fear that a responsible party or another individual  
8 acting on the responsible party's behalf may attempt to gain  
9 access to the dwelling unit that the tenant leases, the tenant  
10 may change or rekey the locks or other security devices for the  
11 dwelling unit. A tenant who changes or rekeys the locks shall  
12 NOTIFY THE LANDLORD WITHIN 48 HOURS AND MAKE ARRANGEMENTS TO <--  
13 immediately provide a key or other means of access to the  
14 landlord or any other tenant, other than the responsible party,  
15 who is a party to a lease.

16 (b) Right of landlords.--If the locks or other security  
17 devices are changed or rekeyed under subsection (a), the  
18 landlord may change or rekey the locks to ensure compatibility  
19 with the landlord's master key or other means of access or  
20 otherwise accommodate the landlord's reasonable commercial  
21 needs.

22 (c) Prohibition.--If a responsible party is a party to a  
23 lease, a tenant may not change or rekey the locks or other  
24 security devices under subsection (a) unless:

25 (1) there is a court order, other than an ex parte  
26 order, expressly requiring the responsible party to vacate  
27 the dwelling unit or prohibiting the responsible party from  
28 having contact with the tenant or a AN IMMEDIATE family or <--  
29 household member of the tenant who is a victim of the  
30 responsible party; and

1           (2) the tenant provides a copy of the court order under  
2 paragraph (1) to the landlord.

3           (d) Civil relief.--A responsible party shall not be entitled  
4 to damages or other civil relief against a landlord or tenant  
5 who complies in good faith with this section.

6 Section 505-C. Prohibition on certain acts by landlords.

7           (a) Prohibition.--A landlord may not do any of the  
8 following:

9           (1) Assess a fee or penalty against a tenant or  
10 otherwise retaliate against the tenant solely for exercising  
11 a right granted under this article.

12           (2) Consider a tenant for any purpose, due solely to the  
13 tenant exercising a right granted under this article, to have  
14 breached the terms of the lease.

15           (3) By reason of a tenant exercising a right granted  
16 under this article, withhold return to the tenant of a  
17 security deposit or other escrows to which the tenant is  
18 otherwise entitled due to the tenant terminating a lease  
19 under this article. The provisions of Article V shall  
20 otherwise apply with regard to the retention or return of  
21 escrow funds and to other sums that may be withheld by the  
22 landlord. Nothing in this section shall be construed to  
23 affect a tenant's liability for unpaid rent or other amounts  
24 owed to the landlord before the termination of a lease under  
25 this act.

26           (4) Increase or threaten to increase the rent, security  
27 deposit or fees payable under a lease, decrease or threaten  
28 to decrease services required under a lease or this act,  
29 terminate or threaten to terminate a lease, refuse to renew a  
30 lease, serve or threaten to serve a notice to terminate a

1 periodic tenancy, bring or threaten to bring an action for  
2 possession, refuse to lease a dwelling unit or impose  
3 different rules or selectively enforce the landlord's rules  
4 because of any of the following:

5 (i) A tenant ~~or proposed tenant or a~~ OR AN IMMEDIATE <--  
6 family or household member of the tenant ~~or proposed~~ <--  
7 tenant is or has been a victim.

8 (ii) A tenant or proposed tenant has previously  
9 exercised a right granted under this article.

10 (iii) Criminal activity occurred relating to an act  
11 or acts of which a tenant ~~or proposed tenant or a~~ AN <--  
12 IMMEDIATE family or household member of the tenant ~~or~~ <--  
13 ~~proposed tenant~~ is a victim and the tenant ~~or proposed~~ <--  
14 tenant is not a responsible party.

15 (iv) Police or emergency personnel responded to a  
16 good faith complaint of activities relating to an act or  
17 acts of which the tenant ~~or proposed tenant or a~~ OR AN <--  
18 IMMEDIATE family or household member of the tenant ~~or~~ <--  
19 ~~proposed tenant~~ is a victim and the tenant ~~or proposed~~ <--  
20 tenant is not a responsible party.

21 (5) Disclose information reported to the landlord in a  
22 notice under section 502-C to another party unless any of the  
23 following apply:

24 (i) The tenant provides specific time-limited and  
25 contemporaneous consent to the disclosure in writing.

26 (ii) The information is required to be disclosed by  
27 a court order or any other Federal or State law.

28 (b) Willful violation.--

29 (1) If a landlord willfully violates this section, a  
30 tenant may terminate a lease or defend an action for

1 possession on the grounds that the landlord willfully  
2 violated this section or obtain appropriate injunctive  
3 relief.

4 (2) In the action under paragraph (1), the court shall  
5 award the tenant an amount equal to ~~three~~ TWO months' rent, <--  
6 or ~~triple~~ DOUBLE actual damages, whichever is greater. <--

7 Section 2. The addition of Article V-C of the act shall  
8 apply to leases entered into or extended on or after the  
9 effective date of this section.

10 Section 3. This act shall take effect in ~~60~~ 120 days. <--