
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 AND GREEN, JUNE 20, 2023

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 20, 2023

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,
19 licensed health care professional, licensed social worker,

1 victim advocate or victim service provider.

2 "Domestic violence." The occurrence of any of the following
3 acts between family or household members as defined in 23
4 Pa.C.S. § 6102(a) (relating to definitions):

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

8 (2) Placing another individual in reasonable fear of
9 imminent serious bodily harm.

10 (3) An act of domestic and other violence as defined in
11 55 Pa. Code § 3041.3 (relating to definitions).

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

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

16 "Eligible tenant." Any of the following:

17 (1) A tenant who is a victim.

18 (2) A tenant who has a family or household member who is
19 a victim.

20 "Family or household member." Any of the following:

21 (1) Family or household members as defined in 23 Pa.C.S.
22 § 6102.

23 (2) An individual who habitually resides in the same
24 dwelling unit as a tenant.

25 (3) An individual who previously habitually resided with
26 a tenant for a period of not less than two years and who has
27 an established and emotionally significant relationship with
28 that individual.

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

1 counselors).

2 "Responsible party." An individual who commits, or is
3 alleged to have committed, an act of which a tenant or a family
4 or household member of the tenant is a victim.

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

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

9 "Tenant." An individual who is a party to a lease of a
10 dwelling unit and is entitled to possession of the dwelling
11 unit.

12 "Victim." Any of the following:

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

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

24 (i) physical injury or death; or

25 (ii) mental injury and where there was a reasonably
26 perceived or actual threat of physical injury.

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

30 (4) An individual who was physically present at the

1 scene of an act or crime described under paragraph (1) or (2)
2 and witnessed the act or crime and who, as a direct result:
3 (i) suffers physical or mental injury; or
4 (ii) reasonably believes that the individual is
5 under the threat of physical harm.

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

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

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

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

18 (b) Required release.--

19 (1) An eligible tenant shall be released from a lease if
20 the tenant provides the landlord with a valid notice under
21 this subsection no later than 180 days from the date of any
22 of the following, whichever is later:

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

25 (ii) A document described under paragraph (2)(ii),
26 (iii), (iv), (v), (vi) or (vii) is issued.

27 (iii) The responsible party is released from a
28 prison, jail, juvenile detention facility or any other
29 detention facility or institution.

30 (2) A valid notice from the tenant under paragraph (1)

1 shall include any of the following:

2 (i) A written notice signed by the tenant of the
3 tenant's intent to be released from the lease as of a
4 specific date. The written notice under this subparagraph
5 shall include a statement that the tenant intends to
6 relocate for the safety or the physical, mental or
7 financial well-being of the tenant or a family or
8 household member of the tenant as a direct result of an
9 act of which the tenant or a family or household member
10 is a victim.

11 (ii) A copy of a valid court order that restrains
12 the responsible party from contact with the tenant or a
13 family or household member of the tenant.

14 (iii) A letter from a medical or mental health
15 provider indicating that the tenant or a family or
16 household member of the tenant is a victim.

17 (iv) A police report documenting the act of which
18 the tenant or a family or household member of the tenant
19 is a victim.

20 (v) Evidence that the responsible party has been
21 charged with or convicted of an act of which the tenant
22 or a family or household member of the tenant is a
23 victim.

24 (vi) A written certification form developed by the
25 Office of Victim Advocate and signed by the tenant and an
26 attesting third party in accordance with section 503-C.

27 (vii) If the tenant's family or household member is
28 deceased as a result of a crime, any of the following:

29 (A) A written verification of death, burial or
30 memorial services from a mortuary funeral home,

1 burial society, crematorium, religious institution,
2 medical examiner or government agency.

3 (B) A published obituary.

4 (C) A death certificate.

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

8 (1) The tenant shall be released from the lease no later
9 than any of the following:

10 (i) Fifteen days after the date the notice was
11 provided, or on the date specified in the notice under
12 subsection (b) (2) (i), whichever is later, if the tenant
13 vacates the dwelling unit on or before the applicable
14 date and the landlord operates five or more dwelling
15 units in this Commonwealth.

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

22 (2) The tenant shall not be liable for rent or other
23 obligations under the lease accruing after the date of the
24 termination.

25 (3) The termination shall not affect the tenant's
26 obligations under the lease accruing before the date of the
27 termination.

28 (d) Construction.--Nothing in this section shall be
29 construed to relieve a tenant who is not an eligible tenant from
30 the tenant's obligations under a lease. If there are multiple

1 tenants who are parties to a lease, the release of one or more
2 tenants under this section shall not terminate the lease with
3 respect to the other non-terminating tenants. A tenant released
4 from a lease under this section shall not be liable to the
5 landlord or any other person for rent accruing after the
6 tenant's release or for actual damages resulting from the
7 tenant's release from the lease.

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

11 Section 503-C. Certification form requirements.

12 (a) Certification form.--The Office of Victim Advocate shall
13 develop and display on the Office of Victim Advocate's publicly
14 accessible Internet website a certification form with the
15 requirements specified under subsection (b).

16 (b) Required information.--

17 (1) A tenant shall verify all of the following
18 information in the certification form developed by the Office
19 of Victim Advocate for the purpose of section 502-C(b)(2)

20 (vi):

21 (i) The tenant's name and the address of the
22 dwelling unit.

23 (ii) The name of the victim if different from the
24 tenant's name.

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

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

30 (v) A statement that the tenant intends to relocate

1 for the safety or the physical, mental or financial well-
2 being of the tenant or a family or household member of
3 the tenant as a direct result of an act of which the
4 tenant or a family or household member is a victim.

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

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

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

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

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

19 (B) believes that the tenant or a family or
20 household member of the tenant is a victim;

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

22 (D) believes that the tenant needs to relocate
23 for the safety or the physical, mental or financial
24 well-being of the tenant or a family or household
25 member of the tenant as a direct result of an act of
26 which the tenant or a family or household member is a
27 victim; and

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

1 (c) Confidentiality.--Furnishing evidence or providing a
2 verification under this section or section 502-C shall not waive
3 a confidentiality or privilege that may exist between the tenant
4 or victim and a third party.

5 Section 504-C. Change of locks.

6 (a) Right of tenants.--Subject to subsections (b) and (c),
7 if a tenant is an eligible tenant and the tenant has a
8 reasonable fear that a responsible party or another individual
9 acting on the responsible party's behalf may attempt to gain
10 access to the dwelling unit that the tenant leases, the tenant
11 may change or rekey the locks or other security devices for the
12 dwelling unit. A tenant who changes or rekeys the locks shall
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 family or household
29 member of the tenant who is a victim of the responsible
30 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 family or
6 household member of the tenant or proposed tenant is or
7 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 family
12 or household member of the tenant or proposed tenant is a
13 victim and the tenant or proposed tenant is not a
14 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 family
18 or household member of the tenant or proposed tenant is a
19 victim and the tenant or proposed tenant is not a
20 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 months' rent, or
6 triple 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 days.