

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 453 Session of
2009

INTRODUCED BY BISHOP, CALTAGIRONE, DALEY, FABRIZIO, HARKINS,
HORNAMAN, KORTZ, LONGIETTI, MANN, MUNDY, PALLONE, SIPTROTH,
K. SMITH, SOLOBAY AND YOUNGBLOOD, FEBRUARY 13, 2009

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 13, 2009

AN ACT

1 Requiring landlords to grant medical access; providing for
2 termination of residential leases for terminal or mental
3 illness; and making an inconsistent repeal.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Residential
8 Lease Protection for Illness Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Certified illness." Terminal or mental illness certified by
14 a licensed physician.

15 "Continuing treatment." Either treatment on two or more
16 occasions or treatment on at least one occasion resulting in a
17 regimen of continuing treatment.

18 "Dwelling." A unit for residential use and occupancy and the

1 structure of which it is a part.

2 "Landlord." Any of the following:

3 (1) The owner, lessor or sublessor of residential
4 premises.

5 (2) The agent of the owner, lessor or sublessor under
6 paragraph (1).

7 (3) Any person authorized by the owner, lessor or
8 sublessor under paragraph (1) to manage the premises or to
9 receive rent from a tenant under a rental agreement.

10 "Mental illness." A condition certified by a licensed
11 psychiatrist that renders a person unable to perform their job
12 duties and unable to adjust to other work due to their mental
13 condition which requires continuing treatment by a health care
14 provider.

15 "Person." Natural persons, copartnerships, associations,
16 private and public corporations, the Commonwealth and any of its
17 political subdivisions and agencies.

18 "Tenant." A person entitled under a rental agreement to the
19 use and occupancy of residential premises to the exclusion of
20 others.

21 Section 3. Scope.

22 This act shall apply to residential leases.

23 Section 4. Access by authorized persons.

24 (a) Provision of access.--A landlord shall provide access to
25 the tenant's dwelling by a person designated in any of the
26 following manners:

27 (1) Under a durable power of attorney.

28 (2) By an attorney-in-fact.

29 (3) By the tenant or appointed guardian of the tenant.

30 (b) Certification.--The designation or appointment under

1 subsection (a) shall be accompanied by a certification of the
2 tenant's illness signed by a licensed physician.

3 Section 5. Termination.

4 (a) General rule.--A tenant with a certified illness may
5 terminate a residential lease upon 30 days' written notice given
6 by the tenant, an authorized agent of the tenant under a durable
7 power of attorney or a court-appointed guardian. The written
8 notice must contain the physician's certification. The
9 provisions of this subsection may only be invoked if the tenant
10 did not know or have reason to know about the illness at the
11 time the tenant entered into the lease.

12 (b) Applicability.--This section shall apply to residential
13 leases entered into or renewed on or after the effective date of
14 this section.

15 Section 6. Repeal.

16 The act of April 6, 1951 (P.L.69, No.20), known as The
17 Landlord and Tenant Act of 1951, is repealed insofar as it is
18 inconsistent with this act.

19 Section 7. Effective date.

20 This act shall take effect in 60 days.