

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2838 Session of 2020

INTRODUCED BY MADDEN, SCHLOSSBERG, CALTAGIRONE, CIRESI, DALEY, DAVIDSON, A. DAVIS, T. DAVIS, DELLOSO, DONATUCCI, DRISCOLL, FIEDLER, FREEMAN, GALLOWAY, GREEN, HANBIDGE, HILL-EVANS, HOHENSTEIN, HOWARD, INNAMORATO, ISAACSON, KENYATTA, KIM, KINSEY, KOSIEROWSKI, McCARTER, McNEILL, PASHINSKI, ROZZI, SANCHEZ, SAPPEY, SCHWEYER, WILLIAMS, ZABEL, O'MARA AND KRUEGER, SEPTEMBER 1, 2020

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, SEPTEMBER 1, 2020

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in Commonwealth services, providing  
3 for rent recovery during COVID-19 disaster emergency.

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

6 Section 1. Title 35 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 7309. Rent recovery during COVID-19 disaster emergency.

9 (a) Payment plan.--Notwithstanding any other provision of  
10 law, a landlord may not begin eviction proceedings during the  
11 COVID-19 disaster emergency for a tenant without implementing a  
12 rent payment plan in accordance with this section. A landlord  
13 shall implement a rent payment plan for a tenant who is unable  
14 to pay rent during the COVID-19 disaster emergency, if the  
15 tenant provides documentation of any of the following to the  
16 landlord:

1           (1) The tenant is experiencing a full or partial loss of  
2 income or a reduction in working hours due to a COVID-19-  
3 related business closure.

4           (2) The tenant is currently receiving unemployment  
5 compensation benefits or received unemployment compensation  
6 benefits during any period of the COVID-19 disaster  
7 emergency.

8           (3) The tenant is unable to safely return to work due to  
9 a medical condition that places the tenant at an increased  
10 risk for COVID-19.

11           (4) The tenant has contracted or is recovering from  
12 COVID-19.

13           (5) The tenant is the primary caregiver for a household  
14 member who is at risk of contracting, has contracted or is  
15 recovering from COVID-19.

16           (6) The tenant is unable to continue employment because  
17 the tenant is the primary caregiver for a child whose school  
18 or child care facility has physically closed due to COVID-19.

19           (b) Amount of payment.--A rent payment plan under this  
20 section shall include the total amount of rent due during the  
21 COVID-19 disaster emergency divided over a 12-month period.

22           (c) Fees prohibited.--A landlord may not assess fees or  
23 other penalties for late rent payments or late payments under a  
24 rent payment plan under this section during the COVID-19  
25 disaster emergency.

26           (d) Eviction proceeds.--If a tenant fails to make four  
27 consecutive payments under a rent payment plan under this  
28 section, the landlord may initiate eviction proceedings.

29           (e) Notice of payment plan.--After a missed rent payment  
30 during the COVID-19 disaster emergency, a landlord shall notify

1 a tenant of the tenant's ability to enter into a rent payment  
2 plan under this section. The notice under this subsection may be  
3 provided electronically or via certified mail to the tenant.

4 (f) Expiration.--This section shall expire December 31,  
5 2021, or six months after the expiration or termination of the  
6 COVID-19 disaster emergency by executive order, proclamation or  
7 operation of law, whichever is later.

8 (g) Definitions.--As used in this section, the following  
9 words and phrases shall have the meanings given to them in this  
10 subsection unless the context clearly indicates otherwise:

11 "COVID-19." The coronavirus disease 2019, an infectious  
12 disease caused by severe acute respiratory syndrome coronavirus  
13 2 that was first identified during December 2019 in Wuhan,  
14 China.

15 "COVID-19 disaster emergency." The proclamation of disaster  
16 emergency issued by the Governor on March 6, 2020, published at  
17 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of  
18 disaster emergency.

19 Section 2. This act shall take effect immediately.