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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2839 Session of  
2020

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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, McNEILL, PASHINSKI, ROZZI, SANCHEZ,  
SAPPEY, SCHWEYER, WILLIAMS, ZABEL, O'MARA AND KRUEGER,  
SEPTEMBER 1, 2020

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, SEPTEMBER 1, 2020

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in Commonwealth services, prohibiting  
3 fees on late or missed rent payments or other similar charges  
4 during COVID-19 disaster emergency.

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

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

9 § 7309. Prohibiting fees on late or missed rent payments or  
10 other similar charges during COVID-19 disaster  
11 emergency.

12 (a) Prohibition.--Notwithstanding any other provision of  
13 law, a landlord may not charge, collect or enforce any late fee,  
14 interest on back rent or other similar charge for a late or  
15 missed rent payment on a tenant during the COVID-19 disaster  
16 emergency.

1 (b) Remedies.--Any late fee, interest on back rent or other  
2 similar charge for a late or missed rent payment prohibited  
3 under subsection (a) that is paid to a landlord by a tenant  
4 shall be credited to the tenant against any future rent owed to  
5 the landlord. If there is no future rent owed by the tenant, the  
6 amount paid under this subsection shall be credited against any  
7 other financial obligations owed by the tenant to the landlord.

8 (c) Defenses.--The failure of a landlord to comply with this  
9 section may be asserted as a defense by a tenant in an action  
10 before any adjudicatory body and may not be waived.

11 (d) Applicability.--This section shall apply retroactively  
12 to any late fee, interest on back rent or other similar charge  
13 for a late or missed rent payment charged, collected or  
14 enforced by a landlord on a tenant during the COVID-19 disaster  
15 emergency before the effective date of this section.

16 (e) Expiration.--This section shall expire December 31,  
17 2021, or 12 months after the expiration or termination of the  
18 COVID-19 disaster emergency by executive order, proclamation or  
19 operation of law, whichever is later.

20 (f) Definition.--As used in this section, the term "COVID-19  
21 disaster emergency" means the proclamation of disaster emergency  
22 issued by the Governor on March 6, 2020, published at 50 Pa.B.  
23 1644 (March 21, 2020), and any renewal of the state of disaster  
24 emergency.

25 Section 2. This act shall take effect immediately.