

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 859 Session of 2023

INTRODUCED BY SCHWANK, COSTA, DILLON, KEARNEY, HAYWOOD,
BREWSTER, CAPPELLETTI AND KANE, JULY 27, 2023

REFERRED TO URBAN AFFAIRS AND HOUSING, JULY 27, 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," in preliminary provisions, providing for
6 reusable tenant screening report.

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 a
11 section to read:

12 Section 106. Reusable Tenant Screening Report.--(a) A
13 landlord may elect to accept a reusable tenant screening report
14 in offering real property for lease. A landlord is not required
15 to accept a reusable tenant screening report.

16 (b) A landlord may require an applicant to state that there
17 has not been a material change to the information in the
18 reusable tenant screening report.

19 (c) If an applicant provides a reusable tenant screening
20 report to a landlord that accepts reusable tenant screening

1 reports, the landlord shall not charge the applicant either of
2 the following:

3 (1) A fee for the landlord to access the report.

4 (2) An application screening fee.

5 (d) A reusable tenant screening report shall include all of
6 the following information regarding an applicant:

7 (1) Name.

8 (2) Contact information.

9 (3) Verification of employment.

10 (4) Last known address.

11 (5) Results of an eviction history check in a manner and for
12 a period of time consistent with applicable law related to the
13 consideration of eviction history in housing. The eviction
14 history check shall include whether the eviction was appealed by
15 the tenant for any of the following circumstances:

16 (i) Major health issue, illness or disability of the tenant.

17 (ii) Loss of job by the tenant.

18 (iii) Tenant was a victim of domestic violence.

19 (iv) Death of tenant's spouse.

20 (v) Gentrification of tenant's prior rental.

21 (vi) Major habitability issues of tenant's prior rental.

22 (e) A reusable tenant screening report shall prominently
23 state the date through which the information contained in the
24 report is current.

25 (f) As used in this section, the following words and phrases
26 shall have the meanings given to them in this subsection unless
27 the context clearly indicates otherwise:

28 "Applicant" means a person that:

29 (1) makes a request to a landlord or an agent of the
30 landlord to lease real property; or

1 (2) agrees to act as a guarantor or cosignor on a lease
2 agreement.

3 "Application screening fee" means a nonrefundable payment of
4 money charged by a landlord or an agent of the landlord to an
5 applicant to purchase a consumer credit report and to validate,
6 review or otherwise process an application for the rent or lease
7 of residential rental property.

8 "Consumer report" has the same meaning as defined under 15
9 U.S.C. § 1681a (relating to definitions; rules of construction).

10 "Consumer reporting agency" means a person that, for monetary
11 fees, dues or on a cooperative nonprofit basis, regularly
12 engages in whole or in part in the practice of assembling or
13 evaluating consumer credit information or other information on
14 consumers for the purpose of furnishing consumer reports to
15 third parties and that uses any means or facility of interstate
16 commerce for the purpose of preparing or furnishing consumer
17 reports.

18 "Reusable tenant screening report" means a consumer report
19 that meets all of the following criteria:

20 (1) was prepared within the previous thirty days by a
21 consumer reporting agency at the request and expense of an
22 applicant;

23 (2) is made directly available to a landlord for use in the
24 lease application process or is provided through a third-party
25 website that regularly engages in the business of providing a
26 reusable tenant screening report and complies with all Federal
27 and State laws pertaining to the use and disclosure of
28 information contained in a consumer report by a consumer
29 reporting agency; and

30 (3) is available to the landlord at no cost to access or

1 use.

2 Section 2. This act shall take effect in 60 days.