

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1796 Session of 2013

INTRODUCED BY STEPHENS, VEREB, SCHLOSSBERG, ROZZI, COHEN, SWANGER, GODSHALL, WATSON, MURT, REED, DELOZIER, HARPER, SAYLOR, PARKER, DIGIROLAMO, QUINN, FRANKEL, SANTARSIERO, DAVIS, BRADFORD, BROWNLEE, SCHREIBER, MUNDY, DERMODY, GAINNEY, M. DALEY, DONATUCCI, KIM, SIMS, D. MILLER AND HACKETT, OCTOBER 22, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JANUARY 13, 2014

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in preemptions, providing for
3 protection for victims of abuse or crime.

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

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 303. Protection for victims of abuse or crime.

9 (a) Declaration of policy.--The General Assembly finds and
10 declares as follows:

11 (1) It is the public policy of the Commonwealth to
12 ensure that all victims of abuse and crime and individuals in
13 an emergency are able to contact police or emergency
14 assistance without penalty.

15 (2) This section is intended to shield residents,
16 tenants and landlords from penalties that may be levied

1 pursuant to enforcement of an ordinance or regulation if
2 police or emergency services respond to a residence or
3 tenancy to assist a victim of abuse or crime or individuals
4 in an emergency.

5 (3) This section is not intended to prohibit
6 municipalities from enforcing an ordinance or regulation
7 against a resident, tenant or landlord where police or
8 emergency services respond to a residence or tenancy that
9 does not involve assistance to a victim of abuse or crime or
10 individuals in an emergency.

11 (b) Protection.--No ordinance enacted by a municipality
12 shall penalize a resident, tenant or landlord for a contact made
13 for police or emergency assistance by or on behalf of a victim
14 of abuse as defined in 23 Pa.C.S. § 6102 (relating to
15 definitions), a victim of a crime pursuant to 18 Pa.C.S.
16 (relating to crimes and offenses) or an individual in an
17 emergency pursuant to 35 Pa.C.S. § 8103 (relating to
18 definitions), if the contact was made based upon the reasonable
19 belief of the person making the contact that intervention or
20 emergency assistance was necessary to prevent the perpetration
21 or escalation of ~~or to respond to~~ the abuse, crime or emergency <--
22 OR IF THE INTERVENTION OR EMERGENCY ASSISTANCE WAS ACTUALLY <--
23 NEEDED IN RESPONSE TO THE ABUSE, CRIME OR EMERGENCY.

24 (c) Remedies.--If a municipality enforces or attempts to
25 enforce an ordinance against a resident, tenant or landlord in
26 violation of subsection (b), the resident, tenant or landlord
27 may bring a civil action for a violation of this section and
28 seek an order from a court of competent jurisdiction for any of
29 the following remedies:

30 (1) An order requiring the municipality to cease and

1 desist the unlawful practice.

2 (2) Payment of compensatory damages, provided that a
3 resident, tenant or landlord shall make a reasonable effort
4 to mitigate any damages.

5 (3) Payment of reasonable attorney fees.

6 (4) Payment of court costs.

7 (5) Other equitable relief, including, but not limited
8 to, reinstating a rental license or rental permit, as the
9 court may deem appropriate.

10 (d) Preemption.--This section preempts any local ordinance
11 or regulation insofar as it is inconsistent with this section,
12 irrespective of the effective date of the ordinance or
13 regulation. This section shall not affect or apply to
14 enforcement of the act of October 11, 1995 (1st Sp.Sess.,
15 P.L.1066, No.23), known as the Expedited Eviction of Drug
16 Traffickers Act, or to the enforcement of 18 Pa.C.S. § 7511
17 (relating to control of alarm devices and automatic dialing
18 devices).

19 (e) Definition.--As used in this section, the term
20 "penalize" includes the actual or threatened revocation,
21 suspension or nonrenewal of a rental license, the actual or
22 threatened assessment of fines or the actual or threatened
23 eviction, or causing the actual or threatened eviction, from
24 leased premises.

25 Section 2. This act shall take effect in 90 days.