

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1032 Session of
2017

INTRODUCED BY MOUL, MILLARD, JAMES, JOZWIAK, PETRI AND
ZIMMERMAN, MARCH 31, 2017

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 31, 2017

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 tenement buildings and multiple
6 dwelling premises, providing for utility service foreign
7 load.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of April 6, 1951 (P.L.69, No.20), known
11 as The Landlord and Tenant Act of 1951, is amended by adding a
12 section to read:

13 Section 506-A. Utility service foreign load.--(a) A
14 landlord and tenant may agree, in a lease or by separate written
15 agreement, at the same time a lease agreement is entered into,
16 that the tenant will be responsible for payment of amounts
17 related to foreign load on a utility account in the tenant's
18 name in exchange for consideration. Any lease or contract
19 containing a provision obligating a tenant to be responsible for
20 foreign load registering on a utility account in the tenant's

1 name must:

2 (1) Contain a description of the consideration provided to
3 the tenant by the landlord.

4 (2) Contain the full signature of the tenant and the
5 landlord, notwithstanding any signatures required elsewhere in
6 the lease or contract.

7 (3) Contain a provision obligating the landlord to notify
8 the applicable utility that, in the event of termination of
9 service for nonpayment by the tenant or if service to the
10 tenant's account is to be discontinued for any reason, the
11 utility account shall be placed in the landlord's name to ensure
12 continued service and operability of the appliances causing the
13 foreign load.

14 (4) Contain a clause notifying the tenant that disputes
15 regarding the lease or contract or the type of foreign load
16 whose usage the tenant has agreed to be responsible for paying
17 shall be resolved through a local court of competent
18 jurisdiction.

19 (b) This section shall be applicable:

20 (1) To apartment buildings, tenement buildings and multiple
21 dwelling premises containing more than one but not exceeding six
22 individual apartments or dwelling units and mobile home parks
23 containing up to seventy units.

24 (2) To leases entered into or renewed after the effective
25 date of this section.

26 (c) (1) For the purposes of this section "foreign load"
27 means utility usage on an account in the name of a tenant that
28 is not exclusive to that tenant's apartment or dwelling unit and
29 limited to the following:

30 (i) Outside lighting provided by the landlord and used by

1 one or more tenants to safely enter and exit the apartment
2 building, tenement building or multiple dwelling premises.

3 (ii) Hallway and stairway lighting inside a building used by
4 one or more tenants to safely navigate the apartment building,
5 tenement building or multiple dwelling premises.

6 (iii) A well pump or septic pump used to provide safe,
7 sanitary water or sewer service to one or more tenants.

8 (iv) A washing machine or clothes dryer used by one or more
9 tenants.

10 (v) Electrical outlets located in a hallway or other common
11 area.

12 (vi) Any other device, appliance or usage agreed to by the
13 tenant and property owner in a document that meets the
14 requirements of subsection (a).

15 (2) For the purposes of this section "utility" shall mean
16 electric, natural gas, water or wastewater service.

17 (3) For the purposes of this section "consideration" shall
18 mean a rent reduction, a reduction in the frequency of rent
19 payments, unpaid use of a paid parking space or parking garage,
20 the provision or use of appliances that are not otherwise
21 included as part of a lease and any other benefit provided to a
22 tenant.

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