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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 979 Session of  
2011

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INTRODUCED BY BISHOP, LONGIETTI, MANN, CALTAGIRONE, HORNAMAN,  
J. TAYLOR, THOMAS AND MURT, MARCH 8, 2011

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 8, 2011

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AN ACT

1 Requiring landlords to grant medical access; providing for  
2 termination of residential leases for terminal or mental  
3 illness; and making an inconsistent repeal.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Residential  
8 Lease Protection for Illness Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Certified illness." Terminal or mental illness certified by  
14 a licensed physician.

15 "Continuing treatment." Either treatment on two or more  
16 occasions or treatment on at least one occasion resulting in a  
17 regimen of continuing treatment.

18 "Dwelling." A unit for residential use and occupancy and the

1 structure of which it is a part.

2 "Landlord." Any of the following:

3 (1) The owner, lessor or sublessor of residential  
4 premises.

5 (2) The agent of the owner, lessor or sublessor under  
6 paragraph (1).

7 (3) Any person authorized by the owner, lessor or  
8 sublessor under paragraph (1) to manage the premises or to  
9 receive rent from a tenant under a rental agreement.

10 "Mental illness." A condition certified by a licensed  
11 psychiatrist that renders a person unable to perform their job  
12 duties and unable to adjust to other work due to their mental  
13 condition which requires continuing treatment by a health care  
14 provider.

15 "Person." Natural persons, copartnerships, associations,  
16 private and public corporations, the Commonwealth and any of its  
17 political subdivisions and agencies.

18 "Tenant." A person entitled under a rental agreement to the  
19 use and occupancy of residential premises to the exclusion of  
20 others.

21 Section 3. Scope.

22 This act shall apply to residential leases.

23 Section 4. Access by authorized persons.

24 (a) Provision of access.--A landlord shall provide access to  
25 the tenant's dwelling by a person designated in any of the  
26 following manners:

27 (1) Under a durable power of attorney.

28 (2) By an attorney-in-fact.

29 (3) By the tenant or appointed guardian of the tenant.

30 (b) Certification.--The designation or appointment under

1 subsection (a) shall be accompanied by a certification of the  
2 tenant's illness signed by a licensed physician.

3 Section 5. Termination.

4 (a) General rule.--A tenant with a certified illness may  
5 terminate a residential lease upon 30 days' written notice given  
6 by the tenant, an authorized agent of the tenant under a durable  
7 power of attorney or a court-appointed guardian. The written  
8 notice must contain the physician's certification. The  
9 provisions of this subsection may only be invoked if the tenant  
10 did not know or have reason to know about the illness at the  
11 time the tenant entered into the lease.

12 (b) Applicability.--This section shall apply to residential  
13 leases entered into or renewed on or after the effective date of  
14 this section.

15 Section 6. Repeal.

16 The act of April 6, 1951 (P.L.69, No.20), known as The  
17 Landlord and Tenant Act of 1951, is repealed insofar as it is  
18 inconsistent with this act.

19 Section 7. Effective date.

20 This act shall take effect in 60 days.