AN ACT

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

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

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

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

(a) Prohibition.--Notwithstanding any other provision of law, a landlord may not charge, collect or enforce any late fee, interest on back rent or other similar charge for a late or missed rent payment on a tenant during the COVID-19 disaster emergency.
(b) Remedies.--Any late fee, interest on back rent or other similar charge for a late or missed rent payment prohibited under subsection (a) that is paid to a landlord by a tenant shall be credited to the tenant against any future rent owed to the landlord. If there is no future rent owed by the tenant, the amount paid under this subsection shall be credited against any other financial obligations owed by the tenant to the landlord.

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

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

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

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

Section 2. This act shall take effect immediately.