
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1899 Session of
1989

INTRODUCED BY MAYERNIK, TANGRETTI, KASUNIC, NOYE, RAYMOND,
KOSINSKI, GIGLIOTTI, COY, PESCI, VROON, PRESSMANN, RYBAK,
MORRIS, WOGAN, COHEN, BLAUM, BATTISTO, HARPER, PISTELLA,
JACKSON, GEIST, CORRIGAN, JOHNSON, MAIALE, HOWLETT, FLEAGLE,
FAIRCHILD, TIGUE, DeLUCA, BILLOW, B. SMITH, BOYES AND MELIO,
SEPTEMBER 26, 1989

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE,
SEPTEMBER 26, 1989

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," providing for removal of tenants for drug
6 violations.

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

9 Section 1. Section 501 of the act of April 6, 1951 (P.L.69,
10 No.20), known as The Landlord and Tenant Act of 1951, repealed
11 in part April 28, 1978 (P.L.202, No.53), is amended to read:

12 Section 501. Notice to Quit.--A landlord desirous of
13 repossessing real property from a tenant may notify, in writing,
14 the tenant to remove from the same at the expiration of the time
15 specified in the notice under the following circumstances,
16 namely, (1) Upon the termination of a term of the tenant, (2) or
17 upon forfeiture of the lease for breach of its conditions, (3)

1 or upon the failure of the tenant, upon demand, to satisfy any
2 rent reserved and due.

3 In case of the expiration of a term or of a forfeiture for
4 breach of the conditions of the lease where the lease is for any
5 term of less than one year or for an indeterminate time, the
6 notice shall specify that the tenant shall remove within thirty
7 days from the date of service thereof, and when the lease is for
8 one year or more, then within three months from the date of
9 service thereof. In case of failure of the tenant, upon demand,
10 to satisfy any rent reserved and due, the notice, if given on or
11 after April first and before September first, shall specify that
12 the tenant shall remove within fifteen days from the date of the
13 service thereof, and if given on or after September first and
14 before April first, then within thirty days from the date of the
15 service thereof.

16 In case of termination due to the provisions of section 505-
17 A, the notice shall specify that the tenant shall remove within
18 fifteen days from the date of service thereof.

19 The notice above provided for may be for a lesser time or may
20 be waived by the tenant if the lease so provides.

21 The notice provided for in this section may be served
22 personally on the tenant, or by leaving the same at the
23 principal building upon the premises, or by posting the same
24 conspicuously on the leased premises.

25 Section 2. The act is amended by adding a section to read:

26 Section 505-A. Use of Illegal Drugs.--(a) The following
27 acts relating to illegal drugs shall be a breach of condition of
28 the lease and shall be grounds for removal of the tenant from an
29 apartment, multiple dwelling premises or tenement building:

30 (1) The first conviction for an illegal sale or distribution

1 of any drug in violation of the act of April 14, 1972 (P.L.233,
2 No.64), known as "The Controlled Substance, Drug, Device and
3 Cosmetic Act," on any portion of the multiple dwelling premises
4 or tenement;

5 (2) The second violation of any of the provisions of "The
6 Controlled Substance, Drug, Device and Cosmetic Act" on any
7 portion of the multiple dwelling premises or tenement;

8 (3) The seizure by law enforcement officials of any illegal
9 drugs on the leased premises in the multiple dwelling premises
10 or tenement.

11 (b) Failure to remove any tenant for violation of any of the
12 provisions of subsection (a) shall not act as a waiver of the
13 landlord's rights with regard to the same or any other tenant
14 relating to any subsequent acts.

15 Section 3. This act shall take effect in 60 days.