

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 647 Session of
1993

INTRODUCED BY PESCI, RAYMOND, STAIRS, TRELLO, DeLUCA, BELFANTI,
KASUNIC, GERLACH, CLARK AND WOGAN, MARCH 22, 1993

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MARCH 22, 1993

AN ACT

1 Prohibiting the use of public housing by persons convicted of
2 felonies relating to controlled substances.

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

5 Section 1. Use of public housing by certain felons prohibited.

6 (a) Housing agencies.--It shall be unlawful for any agency
7 or authority of the Commonwealth or of a political subdivision
8 which owns or operates any form of public housing to allow the
9 continued occupancy of a housing unit by any person convicted of
10 a felony under section 13(a)(30) or (36) of the act of April 14,
11 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
12 Device and Cosmetic Act, or a similar Federal law or act of
13 another state.

14 (b) Residents.--It shall be unlawful for any person
15 convicted of a felony, as described in subsection (a), to occupy
16 any unit of public housing owned or operated by the Commonwealth
17 or a political subdivision or any agency or authority thereof,

1 and any resident occupying a housing unit in violation of this
2 section shall be immediately evicted.

3 (c) Assignment of lease.--If the resident convicted is the
4 person who executed the lease, the lease shall be automatically
5 assigned to another responsible adult member of the household,
6 as the lessor shall determine.

7 Section 2. Application of act.

8 (a) Offenses.--This act shall apply only to offenses
9 committed on and after the effective date hereof.

10 (b) Leases.--This act shall apply only to residents
11 occupying premises, the lease for which was executed or renewed
12 on or after the effective date hereof.

13 (c) Exemption.--

14 (1) Except as provided in paragraph (2), this act shall
15 not apply to an individual who, after conviction, is placed
16 in any of the following special programs:

17 (i) House arrest.

18 (ii) Intensive probation.

19 (iii) Intensive parole.

20 (2) The exemption under paragraph (1) shall be revoked
21 if the individual violates a condition of the special
22 program.

23 Section 3. Construction of act.

24 The provisions of this act shall be deemed to be a provision
25 of all public housing leases executed or renewed on and after
26 the effective date hereof, and all such leases shall, by
27 reference, incorporate the provisions of this act. Failure to
28 make such incorporation shall not, however, void this act as to
29 any resident otherwise subject to this act.

30 Section 4. Effective date.

1 This act shall take effect in 60 days.