

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 906 Session of  
2007

INTRODUCED BY BROWNE, WOZNIAK, PUNT, FONTANA, ERICKSON, BOSCOLA,  
WAUGH, EARLL, PICCOLA, GREENLEAF, RAFFERTY, McILHINNEY AND  
ARMSTRONG, MAY 29, 2007

SENATOR PIPPY, URBAN AFFAIRS AND HOUSING, AS AMENDED,  
FEBRUARY 12, 2008

## 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 disposition of abandoned  
6 PERSONAL property. <—

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

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

12 Section 505.1. Disposition of Abandoned Personal Property.--

13 (a) At the time a tenant shall have relinquished possession of  
14 the real property for any reason, the tenant shall remove from  
15 the premises any and all items of the tenant's personal  
16 property. For the purposes of this section, a tenant shall be  
17 deemed to have relinquished possession of the premises upon:

18 (1) execution of an order of possession in favor of the  
19 landlord;

~~(2) both absence from the premises of the tenant in excess of fourteen days and nonpayment of rent for one or more months, and one or more of the following:~~

~~(i) shutoff of electric, natural gas, water or sewer utilities if the tenant is responsible for these utilities;~~

~~(ii) accumulating mail;~~

~~(iii) unattended vehicles;~~

~~(iv) expiration of the term of a written lease; or~~

~~(v) expiration of a notice which terminates a month to month tenancy; or~~

~~(2) EXPIRATION OF THE TERM OF THE LEASE, PROVIDED HOWEVER, THAT THE TENANT HAS PHYSICALLY VACATED THE PREMISES, RETURNED THE KEYS TO THE LANDLORD OR HIS AGENT AND HAS PROVIDED A FORWARDING ADDRESS OR WRITTEN NOTICE STATING THAT HE HAS VACATED THE PREMISES OR WILL VACATE THE PREMISES ON A DATE CERTAIN; OR~~

~~(3) death of the sole adult tenant which was not followed by a request within ten THIRTY days or after nonpayment of the next month's rent, whichever is later, for property remaining on the premises by the tenant's executor, heirs, assigns or other legal representative.~~

~~(b) Within three days of relinquishment of the premises and the acceptance of possession of the real property by the landlord, the landlord shall provide written notice to the former tenant that any of the former tenant's personal property remaining on the premises must be retrieved by the former tenant. The notice shall give the former tenant ten days to retrieve the property, shall include a telephone number and address where the landlord can be contacted and shall identify the location where such property can be retrieved. The notice under this subsection shall be posted on the premises and sent~~

~~by registered mail to the former tenant's forwarding address and to any emergency contact that may have been provided by the tenant in a lease agreement or may otherwise be personally served on the tenant in accordance with the Rules of Civil Procedure. If no forwarding address or emergency contact has been provided to the landlord by the former tenant, the landlord shall not be obligated to send or serve the notice required by this subsection.~~

(B) UPON RELINQUISHMENT OF THE PREMISES PURSUANT TO SUBSECTION (A)(1) OR (2), AND THE ACCEPTANCE OF POSSESSION OF THE REAL PROPERTY BY THE LANDLORD, THE TENANT SHALL HAVE TEN DAYS TO CONTACT THE LANDLORD REGARDING HIS OR HER INTENT TO REMOVE ANY PERSONAL PROPERTY REMAINING ON THE PREMISES. IF SUCH INTENT IS CONVEYED TO THE LANDLORD, THE PERSONAL PROPERTY MUST BE RETAINED BY THE LANDLORD, AT A SITE OF HIS OR HER CHOOSING, FOR THIRTY DAYS. IF NO COMMUNICATION IS MADE TO THE LANDLORD WITHIN TEN DAYS, THE PROPERTY MAY BE DISPOSED OF AT THE END OF THE TEN DAYS AT THE DISCRETION OF THE LANDLORD.

(c) At all times between the acceptance of the premises by the landlord and the expiration of the notice TEN OR THIRTY DAYS, the landlord shall exercise ordinary care with regard to any personal property that the former tenant or other person has left in or on the real property. If no forwarding address has been provided to the landlord by the former tenant, the landlord's sole obligation with respect to the former tenant's abandoned property shall be to exercise ordinary care for ten days from the acceptance of the premises by the landlord.

(d) After the APPROPRIATE time period in subsection (c) has expired, the landlord shall have no further responsibility to the former tenant or other person with regard to the personal

1 property and may, in his discretion, dispose of the property. IN <—  
2 THE EVENT THAT SAID PERSONAL PROPERTY IS SOLD AND PROCEEDS  
3 EXCEED ANY OUTSTANDING OBLIGATIONS OWED TO THE LANDLORD, THOSE  
4 PROCEEDS SHOULD BE FORWARDED TO THE TENANT BY CERTIFIED MAIL. IF  
5 NO FORWARDING ADDRESS HAS BEEN PROVIDED TO THE LANDLORD BY THE  
6 FORMER TENANT, THE LANDLORD SHALL HOLD THE PROCEEDS FOR THIRTY  
7 DAYS AND, IF UNCLAIMED, MAY RETAIN THE PROCEEDS.

8 (e) A landlord ~~may choose to store~~ MUST LEAVE a former <—  
9 tenant's abandoned personal property at a ~~location other than~~ <—  
10 ~~the leased premises. If the landlord elects to have the property~~  
11 ~~stored at another location, the landlord may remove the property~~  
12 ~~from the premises by any means reasonably calculated to~~  
13 ~~safeguard the property for the time periods specified in this~~  
14 ~~section. A landlord may, but shall not be required to, hire~~  
15 ~~professional movers to move the items to storage. THE LEASED~~ <—  
16 PREMISES FOR THE FIRST TEN DAYS, BUT MAY MOVE IT OFFSITE AFTER  
17 THE TEN DAYS IF THE FORMER TENANT HAS PROVIDED NOTICE OF HIS  
18 INTENT TO RETRIEVE ANY PERSONAL PROPERTY LEFT BEHIND. A former  
19 tenant shall not be required to pay any costs related to the  
20 ~~removal or~~ storage of the property by the landlord, if the <—  
21 former tenant retrieves the personal property within the time  
22 periods specified by this section.

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