

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

AS AMENDED ON SECOND CONSIDERATION, APRIL 8, 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; OR

1 (2) expiration of the term of the lease, provided however,
2 that the tenant has physically vacated the premises, returned
3 the keys to the landlord or his agent and has provided a
4 forwarding address or written notice stating that he has vacated
5 the premises or will vacate the premises on a date certain. ~~or~~ <—

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

11 (b) Upon relinquishment of the premises pursuant to
12 subsection (a)(1) or (2), and the acceptance of possession of
13 the real property by the landlord, the tenant shall have ten
14 days to contact the landlord regarding his or her intent to
15 remove any personal property remaining on the premises. If such
16 intent is conveyed to the landlord, the personal property must
17 be retained by the landlord, at a site of his or her choosing,
18 for thirty days. If no communication is made to the landlord
19 within ten days, the property may be disposed of at the end of
20 the ten days at the discretion of the landlord.

21 (C) THE FOLLOWING SHALL APPLY: <—

22 (1) IF PERSONAL PROPERTY REMAINS ON THE PREMISES FOLLOWING
23 THE RELINQUISHMENT OF THE PREMISES BY THE TENANT AND ACCEPTANCE
24 BY THE LANDLORD UNDER SUBSECTION (A)(1) AND THE WRIT OF
25 POSSESSION CONTAINED NOTICE OF THE PROVISIONS UNDER SUBSECTION
26 (B), THE LANDLORD SHALL NOT BE REQUIRED TO PROVIDE FURTHER
27 NOTICE TO THE TENANT.

28 (2) IF PERSONAL PROPERTY REMAINS ON THE PREMISES FOLLOWING
29 THE RELINQUISHMENT OF THE PREMISES BY THE TENANT AND ACCEPTANCE
30 BY THE LANDLORD UNDER SUBSECTION (A)(2) AND THE LEASE OR LEASE

1 ADDENDUM CONTAINS NOTICE OF THE PROVISIONS UNDER SUBSECTION (B),
2 THE LANDLORD SHALL BE REQUIRED TO PROVIDE WRITTEN NOTICE TO THE
3 TENANT THAT PERSONAL PROPERTY REMAINS ON THE PREMISES AND MUST
4 BE RETRIEVED BY THE TENANT. THE NOTICE UNDER THIS PARAGRAPH
5 SHALL GIVE THE TENANT TEN DAYS FROM THE DATE OF THE NOTICE TO
6 NOTIFY THE LANDLORD THAT HE OR SHE WILL BE RETRIEVING THE
7 PERSONAL PROPERTY. IF THE INTENT IS CONVEYED TO THE LANDLORD,
8 THE PERSONAL PROPERTY MUST BE RETAINED BY THE LANDLORD, AT A
9 SITE OF HIS OR HER CHOOSING, FOR THIRTY DAYS FROM THE DATE OF
10 THE NOTICE. IF NO COMMUNICATION IS MADE TO THE LANDLORD WITHIN
11 TEN DAYS, THE PROPERTY MAY BE DISPOSED OF AT THE END OF THE TEN
12 DAYS AT THE DISCRETION OF THE LANDLORD. THE NOTICE SHALL ALSO
13 INCLUDE A TELEPHONE NUMBER AND ADDRESS WHERE THE LANDLORD CAN BE
14 CONTACTED AND SHALL IDENTIFY THE LOCATION WHERE SUCH PROPERTY
15 CAN BE RETRIEVED. THE NOTICE SHALL BE SENT BY REGULAR MAIL TO
16 THE TENANT'S FORWARDING ADDRESS, IF PROVIDED, OR TO THE FORMERLY
17 LEASED PREMISES, OR BY PERSONAL DELIVERY TO THE TENANT.

18 (3) IF THE LEASE OR LEASE ADDENDUM DOES NOT CONTAIN NOTICE
19 OF THE PROVISIONS UNDER SUBSECTION (B), THE LANDLORD, IN
20 ADDITION TO COMPLYING WITH THE REQUIREMENTS OF PARAGRAPH (2),
21 SHALL SEND NOTICE TO ANY EMERGENCY CONTACT THAT MAY HAVE BEEN
22 PROVIDED BY THE TENANT IN A LEASE AGREEMENT.

23 (4) ANY NOTICE REQUIRED UNDER THIS SUBSECTION SHALL ALSO
24 CONTAIN INFORMATION THAT THE TENANT SHALL BE REQUIRED TO PAY
25 COSTS RELATED TO THE REMOVAL OR STORAGE OF PROPERTY RETRIEVED BY
26 THE TENANT AFTER TEN DAYS UNDER SUBSECTION (F).

27 ~~(e)~~ (D) At all times between the acceptance of the premises <—
28 by the landlord and the expiration of the ten or thirty days,
29 the landlord shall exercise ordinary care with regard to any
30 personal property that the former tenant has left in or on the

1 real property.

2 ~~(d)~~ (E) After the appropriate time period in subsection (e) <—
3 (D) has expired, the landlord shall have no further <—
4 responsibility to the former tenant with regard to the personal
5 property and may, in his discretion, dispose of the property. In
6 the event that said personal property is sold and proceeds
7 exceed any outstanding obligations owed to the landlord, those
8 proceeds should be forwarded to the tenant by certified mail. If
9 no forwarding address has been provided to the landlord by the
10 former tenant, the landlord shall hold the proceeds for thirty
11 days and, if unclaimed, may retain the proceeds.

12 ~~(e)~~ A landlord must leave a former tenant's abandoned <—
13 personal property at the leased premises for the first ten days,
14 but may move it offsite after the ten days if the former tenant
15 has provided notice of his intent to retrieve any personal
16 property left behind. A former tenant shall not be required to
17 pay any costs related to the storage of the property by the
18 landlord, if the former tenant retrieves the personal property
19 within the time periods specified by this section.

20 (F) IF THE LANDLORD HAS ISSUED THE NOTICE TO THE TENANT <—
21 UNDER SUBSECTION (C), THE LANDLORD MAY CHOOSE TO STORE THE
22 TENANT'S PERSONAL PROPERTY AT ANOTHER LOCATION WITHIN REASONABLE
23 PROXIMITY TO THE LEASED PREMISES. IF THE LANDLORD ELECTS TO HAVE
24 THE PROPERTY STORED AT ANOTHER LOCATION, THE LANDLORD MAY REMOVE
25 THE PROPERTY FROM THE PREMISES BY ANY MEANS REASONABLY
26 CALCULATED TO SAFEGUARD THE PROPERTY FOR THE TIME PERIOD
27 REQUIRED BY THIS SECTION. A TENANT SHALL NOT BE REQUIRED TO PAY
28 ANY COSTS RELATED TO THE REMOVAL OR STORAGE OF THE PROPERTY BY
29 THE LANDLORD, IF THE FORMER TENANT RETRIEVES THE PERSONAL
30 PROPERTY WITHIN TEN DAYS OF THE DATE OF NOTICE. IF THE FORMER

1 TENANT RETRIEVES THE PERSONAL PROPERTY AFTER TEN DAYS OF THE
2 DATE OF NOTICE BUT BEFORE THE THIRTY DAYS, THE TENANT SHALL BE
3 REQUIRED TO PAY ANY REASONABLE AND ACTUAL COSTS RELATED TO THE
4 REMOVAL OR STORAGE OF THE PROPERTY BY THE LANDLORD FOR THAT TIME
5 PERIOD.

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