
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2131 Session of
2021

INTRODUCED BY HILL-EVANS, DELLOSO, ISAACSON, SCHLOSSBERG,
McNEILL, SANCHEZ, DeLUCA, FITZGERALD, NEILSON, SHUSTERMAN,
KINSEY, INNAMORATO, D. WILLIAMS, FREEMAN, N. NELSON,
HOHENSTEIN, KIM, KENYATTA, BURGOS AND BULLOCK,
DECEMBER 2, 2021

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, DECEMBER 2, 2021

AN ACT

1 Amending the act of October 31, 2006 (P.L.1210, No.133),
2 entitled "An act prohibiting price gouging; and imposing
3 penalties," further providing for purpose, for definitions,
4 for prohibitions, for rental rates and for repair,
5 reconstruction or cleanup contractors; and providing for
6 civil actions.

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

9 Section 1. Section 2(2) of the act of October 31, 2006
10 (P.L.1210, No.133), known as the Price Gouging Act, is amended
11 to read:

12 Section 2. Purpose.

13 The General Assembly finds and declares as follows:

14 * * *

15 (2) These periods of disruption result from many
16 factors, including extreme weather conditions, depletion of
17 stockpiles, labor strikes, civil disorder, disease, natural
18 or manmade emergencies or disasters and military action.

1 * * *

2 Section 2. Section 3 of the act is amended by adding
3 definitions to read:

4 Section 3. Definitions.

5 The following words and phrases when used in this act shall
6 have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 * * *

9 "Proclamation or declaration of disaster emergency." A
10 declaration by the Governor of disaster emergency under 35
11 Pa.C.S. § 7301(c) (relating to general authority of Governor).

12 "Rental price." Any of the following:

13 (1) For housing rented within one year prior to the time
14 of the proclamation or declaration of disaster emergency, the
15 actual amount paid by the tenant.

16 (2) For housing not rented at the time of the
17 declaration or proclamation of disaster emergency, but
18 instead rented or offered for rent within one year prior to
19 the proclamation or declaration of disaster emergency, the
20 most recent amount offered before the proclamation or
21 declaration of disaster emergency.

22 (3) For housing rented at the time of the proclamation
23 or declaration of disaster emergency but which becomes vacant
24 while the proclamation or declaration of disaster emergency
25 remains in effect and which is subject to an ordinance, rule,
26 regulation or initiative measure adopted by the governing
27 body of a local government that establishes a maximum amount
28 that a landlord may charge a tenant for rent, the actual
29 amount paid by the previous tenant or the amount specified in
30 paragraph (4), whichever is greater. This amount may be

1 increased by 5% if the housing was previously rented or
2 offered for rent unfurnished and the housing is now being
3 offered for rent fully furnished. This amount shall not be
4 adjusted for any other good or service, including, but not
5 limited to, gardening or utilities currently or formerly
6 provided in connection with the lease.

7 (4) For housing not rented and not offered for rent
8 within one year prior to the proclamation or declaration of
9 disaster emergency, an amount at least equal to 160% of the
10 fair market rent established by the United States Department
11 of Housing and Urban Development. This amount may be
12 increased by 5% if the housing is offered for rent fully
13 furnished. This amount shall not be adjusted for any other
14 good or service, including, but not limited to, gardening or
15 utilities currently or formerly provided in connection with
16 the lease.

17 (5) For housing advertised, offered or charged at a
18 daily rate at the time of the declaration or proclamation of
19 disaster emergency, the amount described in paragraph (1) if
20 the housing continues to be advertised, offered or charged at
21 a daily rate.

22 (6) For mobile homes rented to existing tenants at the
23 time of the proclamation or declaration of disaster
24 emergency and subject to a local rent control ordinance, the
25 amount authorized under the local rent control ordinance. For
26 new tenants who enter into a rental agreement for a mobile
27 home during the proclamation or declaration of disaster
28 emergency that is subject to rent control, the amount of rent
29 last charged for a space in the same mobile home park. For
30 mobile homes not subject to a local rent control ordinance

1 and not rented at the time of the proclamation or declaration
2 of disaster emergency, the amount of rent last charged for
3 the mobile home.

4 * * *

5 Section 3. Section 4(a) and (b) of the act are amended and
6 the section is amended by adding subsections to read:

7 Section 4. Price gouging prohibited.

8 (a) Prohibition.--During and within 30 days of the
9 termination of a state of disaster emergency declared by the
10 President of the United States under the provisions of the
11 National Emergencies Act (Public Law 94-412, 90 Stat. 1255), or
12 the Governor pursuant to the provisions of 35 Pa.C.S. § 7301(c)
13 (relating to general authority of Governor), it shall be a
14 violation of this act for any party within the chain of
15 distribution of consumer goods or services or both to sell or
16 offer to sell the goods or services within the geographic region
17 that is the subject of the declared emergency for an amount
18 which represents an unconscionably excessive price.

19 (a.1) Rental rates.--

20 (1) During and within 30 days of the termination of a
21 proclamation or declaration of disaster emergency or during
22 any period of extension of a proclamation or declaration of
23 disaster emergency declared by the President of the United
24 States or the Governor, it shall be a violation of this act
25 for an individual, business or other entity to increase a
26 rental price advertised, offered or charged for housing to an
27 existing or prospective tenant for an amount which represents
28 an unconscionably excessive price.

29 (2) An unconscionably excessive rental price increase
30 shall not be a violation of this act if the individual,

1 business or entity shows that the increase is directly
2 attributable to additional costs for repairs or additions
3 beyond normal maintenance that were amortized over the rental
4 term that caused the rent to be increased or that an increase
5 was contractually agreed to by the tenant prior to the
6 proclamation or declaration of disaster emergency.

7 (3) It shall not be a defense to prosecution under this
8 subsection that an unconscionable excessive rental price
9 increase was based on the length of the rental term, the
10 inclusion of additional goods or services or that the rent
11 was offered by, or paid by, an insurance company or other
12 third party on behalf of a tenant.

13 (4) This subsection shall not be construed to authorize
14 a landlord to charge a price greater than the amount
15 authorized by a local rent control ordinance.

16 (a.2) Repair, reconstruction or cleanup contractors.--

17 (1) During and within 30 days of the termination of a
18 proclamation or declaration of disaster emergency or during
19 any period of extension of a proclamation or declaration of
20 disaster emergency declared by the President of the United
21 States or the Governor, and for a period of 180 days
22 following a proclamation or declaration of disaster
23 emergency, it shall be a violation of this act for a
24 contractor to sell or offer to sell any repair or
25 reconstruction services or any services used in emergency
26 cleanup for a price of more than 10% above the price charged
27 by that contractor for those services immediately prior to
28 the proclamation or declaration of disaster emergency.

29 (2) A price increase greater than 10% is not a violation
30 of this act if a contractor shows that:

1 (i) the increase in price was directly attributable
2 to additional costs imposed on them by a supplier of the
3 goods or directly attributable to additional costs for
4 labor or materials used to provide the services during
5 the proclamation or declaration of disaster emergency;
6 and

7 (ii) the price represents no more than 10% greater
8 than the total cost to the contractor plus the markup
9 customarily applied by the contractor for that good or
10 service in the usual course of business immediately prior
11 to the onset of the proclamation or declaration of
12 disaster emergency.

13 (b) Evidence of unconscionably excessive price.--It is prima
14 facie evidence that a price is unconscionably excessive if,
15 during and within 30 days of the termination of a [state]
16 proclamation or declaration of disaster emergency, parties
17 within the chain of distribution charge a price that exceeds an
18 amount equal to or in excess of [20%] 10% of the average price
19 at which the same or similar consumer goods or services were
20 obtainable in the affected area during the last seven days
21 immediately prior to the [declared state of] proclamation or
22 declaration of disaster emergency.

23 * * *

24 Section 4. The act is amended by adding a section to read:
25 Section 5.1. Civil actions.

26 In addition to the authority granted to the Attorney General
27 in section 5(a), private citizens and district attorneys shall
28 have the right to initiate a civil action against a violator of
29 this act to seek other relief beyond any penalty levied by the
30 Attorney General, including injunctive relief, restitution and

1 costs under the act of December 17, 1968 (P.L.1224, No.387),
2 known as the Unfair Trade Practices and Consumer Protection Law.

3 Section 5. This act shall take effect in 60 days.