



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1714

PRINTERS NO. 4271

PRIME SPONSOR: Petri

### COST / (SAVINGS)

FUND	FY 2014/15	FY 2015/16
General Fund	\$0	\$0
Municipal Funds	\$0	\$0

**SUMMARY:** Amends Section 505.1 of the Landlord and Tenant Act to address the disposition of abandoned personal property. This legislation would take effect in 60 days.

**ANALYSIS:** Amends the Landlord and Tenant Act of 1951 to give landlords the authority to solely determine when tenants have relinquished their property, without judicial determination as presently required under current law.

A landlord can deem property abandoned if any of the following apply:

- The tenant has vacated the unit following the termination of a written lease.
- An eviction order or order for possession in favor of the landlord has been entered and the tenant has vacated the unit and removed substantially all personal property.
- An eviction order or order for possession in favor of the landlord has been executed.
- The tenant has provided the landlord with written notice of a forwarding address and has vacated the unit and removed substantially all personal property.
- The tenant has vacated the unit without communicating intent to return, the rent is more than 15 days past due, and subsequent to those events, and the landlord has posted notice of the tenant's rights regarding the property.

In cases of a deceased tenant, this act shall not apply. The disposition of personal property in the case of a decedent shall be governed by the provisions of 20 PA.C.S. Section 711(1)(relating to mandatory exercise of jurisdiction through orphans' court division in general) and 3392 (relating to classification and order of payment) and other relevant provisions of title 20 of the Pennsylvania Consolidated Statutes (relating to decedents, estates and fiduciaries).

Prior to removing or disposing abandoned property, the landlord must provide the tenant a written notice of their rights. The tenant will then have ten days from the postmark date of the notice to retrieve the property or to request that the property be stored for an additional period not exceeding thirty days from the date of the notice. Storage will be provided at a place of the landlord's choosing and the tenant will be responsible for all storage costs.

If a landlord has knowledge or is notified of a protection from abuse order for the protection of the tenant or a member of the tenant's immediate family, the landlord shall refrain from disposing of any personal property of the tenant for thirty days from the date of notice. If requested by the tenant, the landlord will store personal items for up to thirty days from the date of request.

A landlord that violates Section 505.1 shall be subject to treble damages, personal attorney fees and court costs.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth or municipal funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** October 10, 2014

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*