



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1796

PRINTERS NO. 2870

PRIME SPONSOR: Stephens

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
Municipal Funds	See "Fiscal Impact"	See "Fiscal Impact"

SUMMARY: Amends Title 53 (Municipalities Generally) by prohibiting a municipal ordinance from penalizing a resident, tenant or landlord if police or emergency assistance was dispatched in response to an individual needing intervention or emergency assistance. This legislation would take effect in 90 days.

ANALYSIS: This legislation amends Title 53 (Municipalities Generally) by adding a new Section 303 (relating to protection for victims of abuse or crime). This section provides that no municipal ordinance may penalize a resident, tenant or landlord for a contact made for police or emergency assistance by or on behalf of a victim of abuse (as defined in Title 23 §6102), a victim of a crime (pursuant to Title 18) or an individual in an emergency (pursuant to Title 35 §8103), if the contact was made based upon the reasonable belief of the person making the contact that intervention or emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime or emergency or if the intervention or emergency assistance was actually needed in response to the abuse, crime or emergency.

A declaration of policy is set forth within Section 303 which provides that it is the public policy of the Commonwealth to ensure that all victims of abuse and crime and individuals in an emergency may contact police or emergency assistance without penalty. Section 303 is intended to shield residents, tenants and landlords from penalties levied pursuant to enforcement of an ordinance or regulation if police or emergency services respond to a residence or tenancy to assist a victim of abuse or crime or an individual in an emergency. Section 303 is not intended to prohibit municipalities from enforcing an ordinance or regulation if police or emergency services are not providing assistance to a victim of abuse or crime or an individual in an emergency.

If a municipality enforces or attempts to enforce an ordinance against a resident, tenant or landlord in violation of the protection afforded by Section 303, the resident, tenant or landlord may bring a civil action and seek an order from a court of competent jurisdiction for any of the following remedies:

- an order requiring the municipality to cease and desist the unlawful practice;
- payment of compensatory damages, provided that a resident, tenant or landlord makes a reasonable effort to mitigate any damages;
- payment of reasonable attorney fees;
- payment of court costs; and
- other equitable relief, including, but not limited to, reinstating a rental license or rental permit, as the court deems appropriate.

“Penalize” is defined to include the actual or threatened revocation, suspension or nonrenewal of a rental license, the actual or threatened assessment of fines or the actual or threatened eviction, or causing the actual or threatened eviction, from leased premises.

Section 303 preempts any ordinance or regulation insofar as it is inconsistent with the section. However, Section 303 does not affect or apply to enforcement of the “Expedited Eviction of Drug Traffickers Act” or the enforcement of Title 18 § 7511 (relating to control of alarm devices and automatic dialing devices).

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth funds. The legislation could have a minimal fiscal impact on municipalities that enforce or attempt to enforce such an ordinance in that they would no longer be able to collect penalties and could be liable for compensatory damages, reasonable attorney fees and payment of court costs if such event occurred. Approximately 20 Pennsylvania boroughs and third class cities have enacted ordinances that make landlords responsible for their tenants’ disorderly behavior or disorderly conduct.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: January 13, 2014

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