

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1571 Session of
1975

INTRODUCED BY ROMANELLI, IRVIS, BENNETT, FINEMAN, SCHMITT AND
HALVERSON, JULY 1, 1975

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, JULY 2, 1975

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 a warranty of habitability
6 to be deemed a part of every written or parol license, lease
7 or rental agreement; establishing standards for minimum
8 living conditions to be provided by licensors and landlords
9 and providing for injunctive relief for violations of the
10 provisions of this act.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 102, act of April 6, 1951 (P.L.69, No.20)
14 known as "The Landlord and Tenant Act of 1951," is amended by
15 adding a clause to read:

16 Section 102. Definitions.--As used in this act.--

17 * * *

18 (5) "Residential premises" shall mean any apartment or
19 dwelling place occupied by any person other than the owner and
20 used primarily as living quarters.

21 Section 2. The act is amended by adding sections to read:

22 Section 205. Maintenance Responsibilities.--(a)

1 Notwithstanding any other provision of law, in every lease or
2 license of residential premises, whether in writing or in parol,
3 the landlord or licensor, shall be deemed to covenant as a
4 matter of law:

5 (1) To maintain the premises in such manner as to comply
6 with all and/or local codes, statutes, ordinances and/or
7 regulations governing the premises' maintenance, operation, use
8 and/or security.

9 (2) To make all required repairs promptly, and to do
10 whatever else that may be necessary to put and keep the premises
11 in a fit and habitable condition, including but not limited to:

12 (i) Maintaining the roof, windows, screens, doors,
13 floors, steps, porches, exterior and interior walls,
14 foundations, and all other structural components of the
15 premises in good repair.

16 (ii) Maintain all common areas of the premises in a safe
17 and clean condition.

18 (iii) Maintain, in good working order and safe
19 condition, all electrical, plumbing, sanitary, heating, water
20 heating, air conditioning, ventilating, elevator and security
21 systems, and all other facilities, appliances, and services
22 supplied or required to be supplied by the landlord or
23 licensure.

24 (iv) Maintain adequate extermination services to insure
25 that the premises are free from insects, rodents and other
26 pests except in single family and multi-family units where
27 infestation exists in only one unit.

28 (3) To provide and maintain:

29 (i) Facilities capable of supplying the tenant running
30 hot and cold water and reasonable heat to a minimum

1 temperature of 68 F throughout the dwelling unit.

2 (ii) Appropriate receptacles and conveniences in common
3 areas for the deposit and removal of ashes, garbage, rubbish
4 and other waste incidental to the occupancy of the premises.

5 (4) To supply running hot and cold water and reasonable heat
6 to a minimum temperature of 68 F throughout the dwelling unit,
7 and bear the cost of supplying same, unless otherwise provided
8 for by lease.

9 (b) The landlord or licensor and tenant or licensee of a
10 single family residence may agree in writing that the tenant or
11 licensee perform the duty of the landlord or licensor specified
12 in subsection (a)(3)(iii).

13 Section 206. Landlord Licensor Designation Required.--(a)
14 The landlord or licensor shall designate to the tenant or
15 licensee the name and address of a person who resides in the
16 county in which the premises are located who is authorized to
17 receive notices and demands from the tenant or licensee and upon
18 whom service of process may be made. If the landlord or licensor
19 is an individual person residing in the county in which the
20 premises are located, then the landlord or licensor may
21 designate himself for such purposes. If the landlord or licensor
22 fails to designate any person, process may be served upon the
23 Secretary of the Commonwealth, but service upon the Secretary of
24 the Commonwealth is not effective unless a copy of the process
25 or pleading is mailed to the landlord or licensor or the person
26 to whom the rental payments are made at their last known
27 address, if any such address has been made known by such party
28 to the tenant or licensee.

29 (b) The designation required by subsection (a) shall be made
30 by including notice of the designation in a written rental

1 agreement or by providing separate written notice of the
2 designation to the tenant or licensee and shall be made before
3 the commencement of the tenancy or license. A landlord or
4 licensor may change the name or address of the person designated
5 pursuant to subsection (a) by providing written notice of the
6 change of name or address to the tenant or licensee. The change
7 shall become effective upon the tenant's or licensee's receipt
8 of such written notice.

9 Section 207. Injunctive Relief and Setoff.--A tenant or
10 licensee may recover damages and obtain injunctive relief for
11 any material non-compliance with this act by the landlord or
12 licensor. Violation of the warranty of habitability may be
13 raised as a defense or partial defense to any action for non-
14 payment of rent.

15 Section 208. Tenant Responsible.--In no event shall a
16 landlord or licensor be responsible to the tenant or licensee
17 for any condition created or caused by the willful, or
18 negligent, or malicious act of the tenant or licensee, a member
19 of his family, or other person on the premises with the tenant's
20 consent.

21 Section 209. Waiver Void.--Any attempted waiver by a tenant
22 or licensee of this act or any portion thereof, whether by
23 contract or otherwise, shall be void and unenforceable.

24 Section 3. This act shall take effect immediately.