

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1443

Session of
1989

INTRODUCED BY HARPER, LASHINGER, TIGUE, SALOOM, TRELLO, MAIALE,
HOWLETT, KOSINSKI, NAHILL, McNALLY, BILLOW, WAMBACH,
ANGSTADT, DeLUCA, FARGO, FOX, VAN HORNE, JAMES, BISHOP,
ITKIN, ROBINSON, PRESTON, NOYE, MELIO, GIGLIOTTI, MORRIS,
WOGAN, BELFANTI, E. Z. TAYLOR, ACOSTA, MRKONIC, CARN, VROON,
BUNT AND LEE, MAY 22, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 14, 1990

AN ACT

1 Prohibiting the use of public ~~or subsidized housing and~~ <—
2 ~~subsidized mortgage assistance~~ HOUSING by persons convicted <—
3 of felonies relating to controlled substances.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Use of public housing by certain felons prohibited.

7 (a) Housing agencies.--It shall be unlawful for any agency
8 or authority of the Commonwealth or of a political subdivision
9 which owns or operates any form of public ~~or subsidized~~ <—
10 ~~residential housing to lease or to renew a lease of a housing~~
11 ~~unit to, or~~ HOUSING to allow the continued occupancy of a <—
12 housing unit by any person convicted of a felony under section
13 13(a)(30) or (36) of the act of April 14, 1972 (P.L.233, No.64),
14 known as The Controlled Substance, Drug, Device and Cosmetic
15 Act, or a similar FEDERAL LAW OR act of another state. <—

16 (b) ~~Tenants~~ RESIDENTS.--It shall be unlawful for any person <—

1 convicted of a felony, as described in subsection (a), to lease <—
2 OCCUPY any unit of public ~~or subsidized~~ housing owned or <—
3 operated by the Commonwealth or a political subdivision or any
4 agency or authority thereof, and any ~~tenant~~ RESIDENT occupying a <—
5 housing unit in violation of this section shall be immediately
6 evicted.

7 ~~(c) Application of section. The provisions of this section <—~~
8 ~~shall not apply to a person after a period of 20 years has~~
9 ~~elapsed from the date of the conviction of the person as~~
10 ~~described in subsection (a).~~

11 (C) ASSIGNMENT OF LEASE.--IF THE RESIDENT CONVICTED IS THE <—
12 PERSON WHO EXECUTED THE LEASE, SAID LEASE SHALL BE AUTOMATICALLY
13 ASSIGNED TO ANOTHER RESPONSIBLE ADULT MEMBER OF THE HOUSEHOLD,
14 AS THE LESSOR SHALL DETERMINE.

15 SECTION 2. APPLICATION OF ACT.

16 (A) OFFENSES.--THIS ACT SHALL APPLY ONLY TO OFFENSES
17 COMMITTED ON AND AFTER THE EFFECTIVE DATE HEREOF.

18 (B) LEASES.--THIS ACT SHALL APPLY ONLY TO RESIDENTS
19 OCCUPYING PREMISES, THE LEASE FOR WHICH WAS EXECUTED OR RENEWED
20 ON OR AFTER THE EFFECTIVE DATE HEREOF.

21 (C) EXEMPTION.--

22 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THIS ACT SHALL
23 NOT APPLY TO AN INDIVIDUAL WHO, AFTER CONVICTION, IS PLACED
24 IN ANY OF THE FOLLOWING SPECIAL PROGRAMS:

25 (I) HOUSE ARREST.

26 (II) INTENSIVE PROBATION.

27 (III) INTENSIVE PAROLE.

28 (2) THE EXEMPTION UNDER PARAGRAPH (1) SHALL BE REVOKED
29 IF THE INDIVIDUAL VIOLATES A CONDITION OF THE SPECIAL
30 PROGRAM.

1 SECTION 3. CONSTRUCTION OF ACT.

2 THE PROVISIONS OF THIS ACT SHALL BE DEEMED TO BE A PROVISION
3 OF ALL PUBLIC HOUSING LEASES EXECUTED OR RENEWED ON AND AFTER
4 THE EFFECTIVE DATE HEREOF, AND ALL SUCH LEASES SHALL, BY
5 REFERENCE, INCORPORATE THE PROVISIONS OF THIS ACT. FAILURE TO
6 MAKE SUCH INCORPORATION SHALL NOT, HOWEVER, VOID THIS ACT AS TO
7 ANY RESIDENT OTHERWISE SUBJECT TO THIS ACT.

8 Section ~~2~~ 4. Effective date.

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9 This act shall take effect in 60 days.