

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1899

Session of  
1989

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INTRODUCED BY MAYERNIK, TANGRETTI, KASUNIC, NOYE, RAYMOND,  
KOSINSKI, GIGLIOTTI, COY, PESCI, VROON, PRESSMANN, RYBAK,  
MORRIS, WOGAN, COHEN, BLAUM, BATTISTO, HARPER, PISTELLA,  
JACKSON, GEIST, CORRIGAN, JOHNSON, MAIALE, HOWLETT, FLEAGLE,  
FAIRCHILD, TIGUE, DeLUCA, BILLOW, B. SMITH, BOYES, MELIO,  
E. Z. TAYLOR, BUSH, CLYMER, MRKONIC, BUNT, VEON, FREEMAN,  
SEMMEL, HERSHEY, J. TAYLOR, NAHILL, STABACK, BARLEY, OLASZ,  
CIVERA, NAILOR, GODSHALL, PETRARCA, JAMES AND MARSICO,  
SEPTEMBER 26, 1989

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AS REPORTED FROM COMMITTEE ON BUSINESS AND COMMERCE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 5, 1990

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## 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 removal of tenants for drug  
6 violations.

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

9 Section 1. Section 501 of the act of April 6, 1951 (P.L.69,  
10 No.20), known as The Landlord and Tenant Act of 1951, repealed  
11 in part April 28, 1978 (P.L.202, No.53), is amended to read:

12 Section 501. Notice to Quit.--A landlord desirous of  
13 repossessing real property from a tenant may notify, in writing,  
14 the tenant to remove from the same at the expiration of the time  
15 specified in the notice under the following circumstances,  
16 namely, (1) Upon the termination of a term of the tenant, (2) or

1 upon forfeiture of the lease for breach of its conditions, (3)  
2 or upon the failure of the tenant, upon demand, to satisfy any  
3 rent reserved and due.

4 In case of the expiration of a term or of a forfeiture for  
5 breach of the conditions of the lease where the lease is for any  
6 term of less than one year or for an indeterminate time, the  
7 notice shall specify that the tenant shall remove within thirty  
8 days from the date of service thereof, and when the lease is for  
9 one year or more, then within three months from the date of  
10 service thereof. In case of failure of the tenant, upon demand,  
11 to satisfy any rent reserved and due, the notice, if given on or  
12 after April first and before September first, shall specify that  
13 the tenant shall remove within fifteen days from the date of the  
14 service thereof, and if given on or after September first and  
15 before April first, then within thirty days from the date of the  
16 service thereof.

17 In case of termination due to the provisions of section 505-  
18 A, the notice shall specify that the tenant shall remove within  
19 fifteen days from the date of service thereof.

20 The notice above provided for may be for a lesser time or may  
21 be waived by the tenant if the lease so provides.

22 The notice provided for in this section may be served  
23 personally on the tenant, or by leaving the same at the  
24 principal building upon the premises, or by posting the same  
25 conspicuously on the leased premises.

26 Section 2. The act is amended by adding a section to read:

27 Section 505-A. Use of Illegal Drugs.--(a) The following  
28 acts relating to illegal drugs shall be a breach of condition of  
29 the lease and shall be grounds for removal of the tenant from an <—  
30 A SINGLE-FAMILY DWELLING, apartment, multiple dwelling premises <—

1 or tenement building:

2 (1) The first conviction for an illegal sale or distribution  
3 of any drug in violation of the act of April 14, 1972 (P.L.233,  
4 No.64), known as "The Controlled Substance, Drug, Device and  
5 Cosmetic Act," on A SINGLE-FAMILY DWELLING OR any portion of the <—  
6 multiple dwelling premises or tenement;

7 (2) The second violation of any of the provisions of "The  
8 Controlled Substance, Drug, Device and Cosmetic Act" on A <—  
9 SINGLE-FAMILY DWELLING OR any portion of the multiple dwelling  
10 premises or tenement;

11 (3) The seizure by law enforcement officials of any illegal  
12 drugs on the leased premises in the SINGLE-FAMILY DWELLING OR <—  
13 multiple dwelling premises or tenement.

14 (b) Failure to remove any tenant for violation of any of the  
15 provisions of subsection (a) shall not act as a waiver of the  
16 landlord's rights with regard to the same or any other tenant  
17 relating to any subsequent acts.

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