

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1684 Session of 2007

INTRODUCED BY PASHINSKI, BRENNAN, CALTAGIRONE, FRANKEL, LEACH, MAHONEY, PALLONE, SHIMKUS, SIPTROTH, K. SMITH AND THOMAS, JULY 3, 2007

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 2, 2007

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," further providing for recovery of
6 improperly held escrow funds.

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

9 Section 1. Section 512(a) and (b) of the act of April 6,
10 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of
11 1951, amended December 29, 1972 (P.L.1698, No.363), are amended
12 to read:

13 Section 512. Recovery of Improperly Held Escrow Funds.--(a)
14 Every landlord shall within [thirty] FORTY-FIVE days of ←
15 termination of a lease or upon surrender and acceptance of the
16 leasehold premises, whichever first occurs, provide a tenant
17 with a written list of any damages and itemized amounts relative
18 to such damages to the leasehold premises for which the landlord
19 claims the tenant is liable. Delivery of the list shall be

1 accompanied by payment of the difference between any sum
2 deposited in escrow, including any unpaid interest thereon, for
3 the payment of damages to the leasehold premises and the actual
4 amount of damages to the leasehold premises caused by the
5 tenant. Nothing in this section shall preclude the landlord from
6 refusing to return the escrow fund, including any unpaid
7 interest thereon, for nonpayment of rent or for the breach of
8 any other condition in the lease by the tenant.

9 (b) Any landlord who fails to provide a written list of
10 damages and itemized amounts relative to such damages within
11 [thirty] FORTY-FIVE days as required in subsection (a), above, <—
12 UNLESS OTHERWISE PREVENTED BY CIRCUMSTANCES BEYOND THE CONTROL <—
13 OF THE LANDLORD, shall forfeit all rights to withhold any
14 portion of sums held in escrow, including any unpaid interest
15 thereon, [or] and to bring suit against the tenant for damages
16 to the leasehold premises.

17 * * *

18 Section 2. This act shall take effect in 60 days.