

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 415

Session of  
2011

INTRODUCED BY WAGNER, K. BOYLE, CALTAGIRONE, D. COSTA, DAVIS,  
FABRIZIO, GOODMAN, KULA, LONGIETTI, MANN, MATZIE, MULLERY,  
MUNDY, MURPHY, M. O'BRIEN, PYLE, READSHAW, K. SMITH, STURLA,  
SWANGER, YOUNGBLOOD AND DAVIDSON, FEBRUARY 3, 2011

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 2, 2011

## AN ACT

~~Amending the act of April 6, 1951 (P.L.69, No.20), entitled "An  
act relating to the rights, obligations and liabilities of  
landlord and tenant and of parties dealing with them and  
amending, revising, changing and consolidating the law  
relating thereto," adding a prohibition relating to assigning  
rent rebates.~~

AMENDING THE ACT OF JUNE 27, 2006 (1ST SP.SESS., P.L.1873,  
NO.1), ENTITLED "AN ACT PROVIDING FOR TAXATION BY SCHOOL  
DISTRICTS, FOR THE STATE FUNDS FORMULA, FOR TAX RELIEF IN  
FIRST CLASS CITIES, FOR SCHOOL DISTRICT CHOICE AND VOTER  
PARTICIPATION, FOR OTHER SCHOOL DISTRICT OPTIONS AND FOR A  
TASK FORCE ON SCHOOL COST REDUCTION; MAKING AN APPROPRIATION;  
PROHIBITING PRIOR AUTHORIZED TAXATION; PROVIDING FOR  
INSTALLMENT PAYMENT OF TAXES; RESTRICTING THE POWER OF  
CERTAIN SCHOOL DISTRICTS TO LEVY, ASSESS AND COLLECT TAXES;  
AND MAKING RELATED REPEALS," IN SENIOR CITIZEN PROPERTY TAX  
AND RENT REBATE ASSISTANCE, PROHIBITING CERTAIN USE OF RENT  
REBATES.

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

~~Section 1. The act of April 6, 1951 (P.L.69, No.20), known  
as The Landlord and Tenant Act of 1951, is amended by adding a  
section to read:~~

~~Section 203.1. Assignment of Rebate Prohibited. A landlord~~

~~and tenant shall not enter into a lease or agreement to assign  
or pay any portion of any rebate payable under Chapter 13 of the  
act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as  
the Taxpayer Relief Act, to which the tenant may be entitled, to  
the landlord or to the landlord's assignee or representatives.~~

SECTION 1. THE ACT OF JUNE 27, 2006 (1ST SP.SESS., P.L.1873,  
NO.1), KNOWN AS THE TAXPAYER RELIEF ACT, IS AMENDED BY ADDING A  
SECTION TO READ:

SECTION 1314. UNLAWFUL USE OF RENT REBATES.

(A) GENERAL RULE.--IT SHALL BE UNLAWFUL FOR A LANDLORD AND  
TENANT TO ENTER INTO A LEASE OR AGREEMENT TO ASSIGN OR PAY ANY  
PORTION OF ANY RENT REBATE IN LIEU OF PROPERTY TAXES TO WHICH  
THE TENANT MAY BE ENTITLED TO THE LANDLORD OR TO THE LANDLORD'S  
ASSIGNEE OR REPRESENTATIVE.

(B) PENALTIES.--A LANDLORD WHO VIOLATES THIS SECTION SHALL:

(1) FULLY REIMBURSE THE TENANT OF ANY PORTION OF A  
PAYMENT THAT WAS ASSIGNED OR OTHERWISE USED AS PAYMENT BY THE  
TENANT TO THE LANDLORD IN VIOLATION OF THIS SECTION.

(2) PAY TO THE DEPARTMENT A PENALTY EQUAL TO 25% OF THE  
TOTAL AMOUNT OF THE PAYMENT TO WHICH THE TENANT WAS ENTITLED.  
THE PENALTY SHALL BEAR INTEREST AT THE RATE OF 1.5% PER MONTH  
FROM THE DATE THE PAYMENT WAS ASSIGNED OR OTHERWISE USED AS  
PAYMENT BY THE TENANT UNTIL THE PENALTY IS PAID IN FULL TO  
THE DEPARTMENT.

(C) ENFORCEMENT.--THE ATTORNEY GENERAL SHALL ENFORCE THE  
PROVISIONS OF THIS SECTION.

(D) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED  
IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"LANDLORD." AN OWNER OF REAL PROPERTY WHO LEASES PROPERTY TO

1 A TENANT UNDER A LEASE AGREEMENT.

2 "TENANT." A PERSON WHO HAS A POSSESSORY INTEREST IN REAL  
3 PROPERTY UNDER A LEASE OR BY LAW.

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