

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1714 Session of 2013

INTRODUCED BY PETRI, FARRY, GINGRICH, HELM, MILLARD AND ROCK, SEPTEMBER 26, 2013

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 11, 2014

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 disposition of
6 abandoned personal property.

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

9 Section 1. Section 505.1 of the act of April 6, 1951
10 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951,
11 added July 5, 2012 (P.L.1091, No.129), is amended to read:

12 Section 505.1. Disposition of Abandoned Personal
13 Property.--(a) [At the time a tenant has relinquished
14 possession of the real property, the tenant shall remove from
15 the premises all items of the tenant's personal property. For
16 the purposes of this section, a tenant shall be deemed to have
17 relinquished possession of the premises upon any of the
18 following:

19 (1) Execution of an order of possession in favor of the

1 landlord.

2 (2) If the tenant has physically vacated the premises,
3 removal of substantially all personal property and the providing
4 of a forwarding address or written notice stating that the
5 tenant has vacated the premises.

6 (b) Upon relinquishment of the premises under subsection (a)
7 and the acceptance of possession of the real property by the
8 landlord, the tenant shall have ten days to contact the landlord
9 regarding the tenant's intent to remove any personal property
10 remaining on the premises. If the intent is conveyed to the
11 landlord, the personal property shall be retained by the
12 landlord at a site of the landlord's choosing for thirty days.
13 If no communication is made to the landlord within ten days, the
14 property may be disposed of at the end of the ten days at the
15 discretion of the landlord.

16 (c) If personal property remains on the premises following
17 the relinquishment of the premises by the tenant, the following
18 shall apply:

19 (1) If there is acceptance of the real property by the
20 landlord under subsection (a)(1) and the writ or order of
21 possession contained notice of the provisions under subsection
22 (b), the landlord shall not be required to provide further
23 notice to the tenant.

24 (2) If there is acceptance of the real property by the
25 landlord under subsection (a)(2) and the lease or lease addendum
26 contains notice of the provisions under subsection (b), the
27 landlord shall be required to provide written notice to the
28 tenant that personal property remains on the premises and must
29 be retrieved by the tenant. The notice under this paragraph
30 shall give the tenant ten days from the date of postmark of the

1 notice to notify the landlord that the tenant will be retrieving
2 the personal property. If the intent is conveyed to the
3 landlord, the personal property shall be retained by the
4 landlord at a site of the landlord's choosing for thirty days
5 from the date of postmark of the notice. If no communication is
6 made to the landlord within ten days, the property may be
7 disposed of at the end of the ten days at the discretion of the
8 landlord. The notice shall also include a telephone number and
9 address where the landlord can be contacted and shall identify
10 the location where such property can be retrieved. The notice
11 shall be:

12 (i) sent by regular mail to the tenant's forwarding address,
13 if provided, or, if no forwarding address is provided, then to
14 the formerly leased premises; or

15 (ii) by personal delivery to the tenant.

16 (3) If the lease or lease addendum does not contain notice
17 of the provisions under subsection (b), the landlord, in
18 addition to complying with the requirements of paragraph (2),
19 shall send notice to any emergency contact that may have been
20 provided by the tenant in a lease agreement.

21 (4) Any notice required under this subsection shall also
22 contain information that the tenant shall be required to pay
23 costs related to the removal or storage of property retrieved by
24 the tenant after ten days under subsection (f).

25 (d) At all times between the acceptance of the premises by
26 the landlord and the expiration of the ten- or thirty-day
27 periods, the landlord shall exercise ordinary care with regard
28 to any personal property that the former tenant has left in or
29 on the real property.

30 (e) After the appropriate time period under subsection (d)

1 has expired, the landlord shall have no further responsibility
2 to the former tenant with regard to the personal property and
3 may, in the landlord's discretion, dispose of the property. If
4 the personal property is sold and proceeds exceed any
5 outstanding obligations owed to the landlord, the proceeds shall
6 be forwarded to the tenant by certified mail. If no forwarding
7 address has been provided to the landlord by the former tenant,
8 the landlord shall hold the proceeds for thirty days and, if
9 unclaimed, may retain the proceeds.

10 (f) If the landlord has issued the notice to the tenant
11 under subsection (c), the landlord may choose to store the
12 tenant's personal property at another location within reasonable
13 proximity to the leased premises. If the landlord elects to have
14 the property stored at another location, the landlord may remove
15 the property from the premises by any means reasonably
16 calculated to safeguard the property for the time period
17 required under this section. A tenant shall not be required to
18 pay any costs related to the removal or storage of the property
19 by the landlord if the former tenant retrieves the personal
20 property within ten days of the date of postmark of the notice.
21 If the former tenant retrieves the personal property after ten
22 days of the date of the postmark of notice but before thirty
23 days, the tenant shall be required to pay any reasonable and
24 actual costs related to the removal or storage of the property
25 by the landlord for that time period.] Upon the termination of a
26 lease or relinquishment of possession of real property, a tenant
27 shall remove all personal property from the leased or formerly
28 leased premises. Abandoned personal property remaining on the
29 premises may be disposed of at the discretion of the landlord,
30 subject to the provisions of this section.

1 (b) Personal property remaining on the premises may be
2 deemed abandoned if any of the following apply:

3 ~~(1) It remains upon the premises following the termination~~ <--
4 ~~of a written lease or the execution of an eviction order or~~
5 ~~order for possession in favor of the landlord.~~

6 ~~(2) The tenant has physically vacated the premises and~~
7 ~~removed substantially all other personal property upon:~~

8 ~~(i) written notice indicating that the tenant has~~
9 ~~relinquished possession;~~

10 ~~(ii) provision or confirmation of a forwarding address; or~~

11 ~~(iii) entry of an order for possession in favor of the~~
12 ~~landlord.~~

13 ~~(3) The tenant has physically vacated the premises, the rent~~

14 (1) THE TENANT HAS VACATED THE UNIT FOLLOWING THE <--
15 TERMINATION OF A WRITTEN LEASE.

16 (2) AN EVICTION ORDER OR ORDER FOR POSSESSION IN FAVOR OF
17 THE LANDLORD HAS BEEN ENTERED AND THE TENANT HAS VACATED THE
18 UNIT AND REMOVED SUBSTANTIALLY ALL PERSONAL PROPERTY.

19 (3) AN EVICTION ORDER OR ORDER FOR POSSESSION IN FAVOR OF
20 THE LANDLORD HAS BEEN EXECUTED.

21 (4) THE TENANT HAS PROVIDED THE LANDLORD WITH WRITTEN NOTICE
22 OF A FORWARDING ADDRESS AND HAS VACATED THE UNIT AND REMOVED
23 SUBSTANTIALLY ALL PERSONAL PROPERTY.

24 (5) THE TENANT HAS VACATED THE UNIT WITHOUT COMMUNICATING AN
25 INTENT TO RETURN, THE RENT is more than fifteen days past due, <--
26 and AND, SUBSEQUENT TO THOSE EVENTS, the landlord has posted <--
27 notice of the tenant's rights regarding the property.

28 (c) If a tenant is deceased, the personal representative of
29 the estate shall succeed to the rights and obligations of the
30 tenant, and the landlord may advise the personal representative

1 thereof, in accordance with ~~subsection (d)~~ SUBSECTIONS (D) AND <--
2 (E), if more than fourteen days have passed since the issuance
3 of a death certificate and the rent is at least fifteen days
4 past due. If the landlord has not been contacted by a personal
5 representative and has no reason to know who the personal
6 representative is, the landlord shall make reasonable attempts
7 to find and notify a personal representative, and shall mail the
8 notice to the address of the leased premises and to any
9 emergency contact or other person known to the landlord.

10 ~~(d) Prior to removing or disposing of abandoned property,~~ <--
11 ~~the landlord must provide notice in substantially the following~~
12 ~~form:~~

13 (D) PRIOR TO REMOVING OR DISPOSING OF ABANDONED PROPERTY, <--
14 THE LANDLORD MUST PROVIDE WRITTEN NOTICE OF THE TENANT'S RIGHTS
15 REGARDING THE PROPERTY. THE TENANT SHALL HAVE TEN DAYS FROM THE
16 POSTMARK DATE OF THE NOTICE TO RETRIEVE THE PROPERTY OR TO
17 REQUEST THAT THE PROPERTY BE STORED FOR AN ADDITIONAL PERIOD NOT
18 EXCEEDING THIRTY DAYS FROM THE DATE OF THE NOTICE. IF THE TENANT
19 SO REQUESTS, THE LANDLORD MUST RETAIN OR STORE THE PROPERTY FOR
20 UP TO THIRTY DAYS FROM THE DATE OF THE NOTICE. STORAGE WILL BE
21 PROVIDED AT A PLACE OF THE LANDLORD'S CHOOSING AND THE TENANT
22 SHALL BE RESPONSIBLE FOR COSTS. AT ALL TIMES, THE LANDLORD SHALL
23 EXERCISE ORDINARY CARE IN HANDLING AND SECURING THE TENANT'S
24 PROPERTY AND SHALL MAKE THE PROPERTY REASONABLY AVAILABLE FOR
25 PURPOSES OF RETRIEVAL.

26 (E) NOTICE SHALL BE SENT BY FIRST CLASS MAIL TO THE TENANT
27 AT THE ADDRESS OF THE LEASED PREMISES AND TO ANY FORWARDING
28 ADDRESS PROVIDED BY THE TENANT, INCLUDING ANY ADDRESS PROVIDED
29 FOR EMERGENCY PURPOSES. THE NOTICE SHALL BE IN SUBSTANTIALLY THE
30 FOLLOWING FORM:

1 "Personal property remaining at (address) is now considered
2 to have been abandoned. Within ten days of the postmark date
3 of this notice, you must retrieve any items you wish to keep
4 or contact your landlord at (telephone number and address) to
5 make other suitable arrangements. You have the right to <--
6 request that the property be retained or stored for a period
7 not exceeding 30 days. Storage will be provided at a place of
8 your landlord's choosing and you will be responsible for
9 costs."

10 The notice shall be sent by first class mail to the tenant at
11 the address of the leased premises and to any forwarding address
12 provided by the tenant, including any address provided for
13 emergency purposes.

14 (c) At all times, the landlord shall exercise ordinary care
15 in handling and securing the tenant's property, and the landlord
16 and tenant shall be held to a standard of good faith and fair
17 dealing. If the tenant requests that the property be retained or
18 stored, the landlord shall make the property reasonably
19 available to the tenant for purposes of retrieval. If the tenant
20 does not request storage or make other arrangements for
21 retrieving the property within ten days of the postmark date of
22 the notice, the landlord shall have no further responsibility to
23 the tenant with regard to the property. Under no circumstance
24 may a landlord dispose of or otherwise exercise control over
25 personal property remaining upon inhabited premises without the
26 express permission of the tenant.

27 REQUEST THAT THE PROPERTY BE RETAINED OR STORED. IF <--
28 REQUESTED, STORAGE WILL BE PROVIDED FOR UP TO THIRTY DAYS
29 FROM THE POSTMARK DATE OF THIS NOTICE AT A PLACE OF YOUR
30 LANDLORD'S CHOOSING, AND YOU WILL BE RESPONSIBLE FOR COSTS OF

1 STORAGE."

2 (F) UNDER NO CIRCUMSTANCES MAY A LANDLORD DISPOSE OF OR
3 OTHERWISE EXERCISE CONTROL OVER PERSONAL PROPERTY REMAINING UPON
4 INHABITED PREMISES WITHOUT THE EXPRESS PERMISSION OF THE TENANT.
5 IF THE CONDITIONS UNDER WHICH PERSONAL PROPERTY MAY BE DEEMED
6 ABANDONED NO LONGER EXIST, THE LANDLORD SHALL HAVE NO RIGHT TO
7 DISPOSE OF OR OTHERWISE EXERCISE CONTROL OVER THE PROPERTY.

8 (G) IN THE EVENT OF A CONFLICT BETWEEN THE PROVISIONS OF
9 THIS SECTION AND THE TERMS OF A WRITTEN LEASE, THE TERMS OF THE
10 LEASE SHALL CONTROL.

11 (H) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
12 CONTRARY, IF A LANDLORD PROCEEDING UNDER THE PROVISIONS OF
13 SUBSECTION (B) (3) HAS ACTUAL KNOWLEDGE OR IS NOTIFIED OF A
14 PROTECTION FROM ABUSE ORDER ENTERED FOR THE PROTECTION OF THE
15 TENANT OR A MEMBER OF THE TENANT'S IMMEDIATE FAMILY, THE
16 LANDLORD SHALL REFRAIN FROM DISPOSING OF OR OTHERWISE EXERCISING
17 CONTROL OVER THE PERSONAL PROPERTY OF THE TENANT FOR 30 DAYS
18 FROM THE DATE OF THE NOTICE. IF REQUESTED, STORAGE SHALL BE
19 PROVIDED FOR UP TO 30 DAYS FROM THE DATE OF THE REQUEST.

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