## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## **HOUSE BILL**

No. 1796 Session of 2013

INTRODUCED BY STEPHENS, VEREB, SCHLOSSBERG, ROZZI, COHEN, SWANGER, GODSHALL, WATSON, MURT, REED, DELOZIER, HARPER, SAYLOR, PARKER, DIGIROLAMO, QUINN, FRANKEL, SANTARSIERO, DAVIS, BRADFORD, BROWNLEE, SCHREIBER, MUNDY, DERMODY, GAINEY, M. DALEY, DONATUCCI, KIM, SIMS, D. MILLER, HACKETT, READSHAW, STURLA AND RAVENSTAHL, OCTOBER 22, 2013

SENATOR EICHELBERGER, LOCAL GOVERNMENT, IN SENATE, AS AMENDED, MARCH 11, 2014

## AN ACT

1 2 3 4	Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in preemptions, providing for protection for victims of abuse or crime; AND PROHIBITING < CERTAIN LEAVE OF COMPENSATION MANDATES BY MUNICIPALITIES.
5	The General Assembly of the Commonwealth of Pennsylvania
6	hereby enacts as follows:
7	Section 1. Title 53 of the Pennsylvania Consolidated
8	Statutes is amended by adding a section SECTIONS to read:
9	§ 303. Protection for victims of abuse or crime.
10	(a) Declaration of policy The General Assembly finds and
11	declares as follows:
12	(1) It is the public policy of the Commonwealth to
13	ensure that all victims of abuse and crime and individuals in
14	an emergency are able to contact police or emergency
15	assistance without penalty.
16	(2) This section is intended to shield residents,

- 1 <u>tenants and landlords from penalties that may be levied</u>
- 2 pursuant to enforcement of an ordinance or regulation if
- 3 <u>police or emergency services respond to a residence or</u>
- 4 <u>tenancy to assist a victim of abuse or crime or individuals</u>
- 5 <u>in an emergency.</u>
- 6 (3) This section is not intended to prohibit
- 7 <u>municipalities from enforcing an ordinance or regulation</u>
- 8 <u>against a resident, tenant or landlord where police or</u>
- 9 <u>emergency services respond to a residence or tenancy that</u>
- does not involve assistance to a victim of abuse or crime or
- individuals in an emergency.
- 12 (b) Protection. -- No ordinance enacted by a municipality
- 13 shall penalize a resident, tenant or landlord for a contact made
- 14 for police or emergency assistance by or on behalf of a victim
- of abuse as defined in 23 Pa.C.S. § 6102 (relating to
- 16 <u>definitions</u>), a victim of a crime pursuant to 18 Pa.C.S.
- 17 (relating to crimes and offenses) or an individual in an
- 18 emergency pursuant to 35 Pa.C.S. § 8103 (relating to
- 19 definitions), if the contact was made based upon the reasonable
- 20 belief of the person making the contact that intervention or
- 21 emergency assistance was necessary to prevent the perpetration
- 22 or escalation of the abuse, crime or emergency or if the
- 23 <u>intervention or emergency assistance was actually needed in</u>
- 24 response to the abuse, crime or emergency.
- 25 (c) Remedies.--If a municipality enforces or attempts to
- 26 enforce an ordinance against a resident, tenant or landlord in
- 27 <u>violation of subsection (b), the resident, tenant or landlord</u>
- 28 may bring a civil action for a violation of this section and
- 29 seek an order from a court of competent jurisdiction for any of
- 30 the following remedies:

1	(1) An order requiring the municipality to cease and	
2	desist the unlawful practice.	
3	(2) Payment of compensatory damages, provided that a	
4	resident, tenant or landlord shall make a reasonable effort	
5	to mitigate any damages.	
6	(3) Payment of reasonable attorney fees.	
7	(4) Payment of court costs.	
8	(5) Other equitable relief, including, but not limited	
9	to, reinstating a rental license or rental permit, as the	
10	court may deem appropriate.	
11	(d) Preemption This section preempts any local ordinance	
12	or regulation insofar as it is inconsistent with this section,	
13	irrespective of the effective date of the ordinance or	
14	regulation. This section shall not affect or apply to	
15	enforcement of the act of October 11, 1995 (1st Sp.Sess.,	
16	P.L.1066, No.23), known as the Expedited Eviction of Drug	
17	Traffickers Act, or to the enforcement of 18 Pa.C.S. § 7511	
18	(relating to control of alarm devices and automatic dialing	
19	devices).	
20	(e) Definition As used in this section, the term	
21	"penalize" includes the actual or threatened revocation,	
22	suspension or nonrenewal of a rental license, the actual or	
23	threatened assessment of fines or the actual or threatened	
24	eviction, or causing the actual or threatened eviction, from	
25	<u>leased premises.</u>	
26	Section 2. This act shall take effect in 90 days.	<
27	§ 304. LEAVE AND COMPENSATION MANDATES.	<-
28	(A) GENERAL RULE A MUNICIPALITY MAY NOT:	
29	(1) ENACT OR ADMINISTER A MANDATE REQUIRING AN EMPLOYER	

30

TO PROVIDE AN EMPLOYEE OR CLASS OF EMPLOYEES WITH VACATION OR

- OTHER FORMS OF LEAVE FROM EMPLOYMENT, PAID OR UNPAID, THAT IS
- 2 NOT REQUIRED BY FEDERAL OR STATE LAW; OR
- 3 (2) REOUIRE AN EMPLOYER TO COMPENSATE AN EMPLOYEE FOR
- 4 ANY VACATION OR OTHER FORMS OF LEAVE FOR WHICH FEDERAL OR
- 5 STATE LAW DOES NOT REQUIRE THE EMPLOYEE TO BE COMPENSATED.
- 6 (B) INCONSISTENT MANDATE. -- THIS SECTION MAY NOT BE CONSTRUED
- 7 TO INVALIDATE A MANDATE ENACTED BY A MUNICIPALITY PRIOR TO THE
- 8 EFFECTIVE DATE OF THIS SECTION. A MANDATE ENACTED BY A
- 9 <u>MUNICIPALITY THAT IS INCONSISTENT WITH THIS SECTION AND ENACTED</u>
- 10 AFTER THE EFFECTIVE DATE OF THIS SECTION IS VOID.
- 11 (C) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO A
- 12 MANDATE ENACTED BY A MUNICIPALITY AFFECTING VACATION OR OTHER
- 13 FORMS OF LEAVE FOR AN EMPLOYEE OR CLASS OF EMPLOYEES OF THE
- 14 MUNICIPALITY.
- (D) CONSTRUCTION. -- THE PROVISIONS OF THIS SECTION MAY NOT BE
- 16 CONSTRUED TO ESTABLISH A NEW MANDATE RELATING TO COMPENSATION,
- 17 VACATION OR OTHER FORMS OF LEAVE FROM EMPLOYMENT BY A
- 18 MUNICIPALITY.
- 19 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
- 20 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
- 21 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:
- 22 "EMPLOYEE." AS DEFINED IN SECTION 3 OF THE ACT OF JANUARY
- 23 <u>17, 1968 (P.L.11, NO.5), KNOWN AS THE MINIMUM WAGE ACT OF 1968.</u>
- 24 "EMPLOYER." AS DEFINED IN SECTION 3 OF THE ACT OF JANUARY
- 25 <u>17, 1968 (P.L.11, NO.5), KNOWN AS THE MINIMUM WAGE ACT OF 1968.</u>
- 26 "MUNICIPALITY." A COUNTY, CITY, BOROUGH, INCORPORATED TOWN,
- 27 TOWNSHIP, HOME RULE CHARTER, OPTIONAL CHARTER OR OPTIONAL PLAN
- 28 MUNICIPALITY, SCHOOL DISTRICT OR A SIMILAR GENERAL PURPOSE UNIT
- 29 OF GOVERNMENT THAT MAY BE CREATED BY THE GENERAL ASSEMBLY.
- 30 SECTION 2. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

- 1 (1) THE ADDITION OF 53 PA.C.S. § 303 SHALL TAKE EFFECT
- 2 IN 60 DAYS.
- 3 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
- 4 IMMEDIATELY.