

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 975 Session of 2015

INTRODUCED BY DEAN, V. BROWN, FREEMAN, MACKENZIE, BROWNLEE, KOTIK, DAVIS, KINSEY, SCHREIBER, THOMAS, DeLUCA, YOUNGBLOOD, McNEILL, COHEN, SCHWEYER, O'BRIEN, McCARTER, CALTAGIRONE, FABRIZIO, W. KELLER, SIMS, KORTZ, SABATINA, ACOSTA, FRANKEL, GIBBONS, HENNESSEY, TOOHL, EVERETT, MALONEY, O'NEILL, D. COSTA, DEASY, KIM, J. HARRIS AND WATSON, APRIL 15, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 25, 2016

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," in recovery of possession, providing for
6 early termination of leases by individuals with disabilities
7 and senior citizens.

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

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

13 Section 514. Early Termination of Leases by Individuals with
14 Disabilities and Senior Citizens.--(a) Notwithstanding any
15 other provision of this act or law, a tenant of a residential
16 unit may terminate the lease prior to the date provided in the
17 lease by providing the landlord of the residential unit with the
18 information specified in subsection (b) if the tenant:

1 (1) has a disability or is a senior citizen; and

2 (2) is either:

3 (i) awaiting admission and subsequently moves to a licensed  
4 long-term care service provider; or

5 (ii) needs to move and subsequently moves to a family  
6 member's residence for the express purpose of receiving care  
7 from a home health care agency for a period of no less than six  
8 months.

9 (b) The following information must be submitted to a  
10 landlord:

11 (1) written notice delivered to the landlord in accordance  
12 with the terms of the lease sixty days prior to the proposed  
13 early termination date informing the landlord of the tenant's  
14 required admission and move to a licensed long-term care service  
15 provider or need to move to a family member's residence for the  
16 express purpose of receiving care from a home health care agency  
17 for a period of no less than six months;

18 (2) certified documentation signed by a licensed physician  
19 indicating that the tenant, due to medical reasons, is unable to  
20 continue to live independently in the residential unit and  
21 requires admission to a licensed long-term care service provider  
22 or needs to receive care from a home health care agency for a  
23 period of no less than six months; and

24 (3) if applicable, a notarized statement from the tenant's  
25 family member attesting to the fact that the tenant is a  
26 relative and will be moving into the family member's residence  
27 to receive care from a home health care agency for a period of  
28 no less than six months.

29 (c) Nothing under this section shall be construed to relieve  
30 a tenant to which this section applies of liability for rent or

1 any other obligation incurred under a lease prior to the  
2 termination date provided in the lease EARLY TERMINATION DATE <--  
3 AUTHORIZED UNDER THIS SECTION.

4 (d) For the purposes of this section, the following words  
5 shall have the meanings ascribed to them in this subsection  
6 unless the context otherwise indicates:

7 "Assisted living residence." An assisted living residence as  
8 defined in section 1001 of the act of June 13, 1967 (P.L.31,  
9 No.21), known as the Human Services Code.

10 "Continuing-care provider." A facility licensed by the  
11 Insurance Department under the act of June 18, 1984 (P.L.391,  
12 No.82), known as the Continuing-Care Provider Registration and  
13 Disclosure Act.

14 "Disability." A physical or mental impairment that  
15 substantially limits one or more major life activities.

16 "Home health care agency." As ANY OF THE FOLLOWING AS <--  
17 defined in section 802.1 of the act of July 19, 1979 (P.L.130,  
18 No.48), known as the Health Care Facilities Act:

19 (1) A home health care agency.

20 (2) A long-term care nursing facility.

21 (3) A hospice.

22 (4) A home care agency.

23 (5) A home care registry.

24 "Licensed long-term care service provider." The term shall  
25 include:

26 (1) An assisted living residence.

27 (2) A continuing-care provider.

28 (3) A LIFE program.

29 (4) A long-term care nursing facility.

30 (5) A personal care home.

1 "LIFE program." The program of medical and supportive  
2 services known as Living Independently for Elders under 42 CFR  
3 Pt. 460 (relating to programs of All-inclusive Care for the  
4 Elderly (PACE)).

5 "Long-term care nursing facility." As defined in section  
6 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the  
7 Health Care Facilities Act.

8 "Personal care home." As defined in section 1001 of the act  
9 of June 13, 1967 (P.L.31, No.21), known as the Human Services  
10 Code.

11 "Senior citizen." Any person who has attained the age of ~~62~~ <--  
12 60 years of age or older, or will attain such age during the <--  
13 term of an agreement in which the person is a tenant of a  
14 residential unit.

15 Section 2. The provisions of this act shall only apply to  
16 leases entered into or extended on or after the effective date  
17 of this section.

18 Section 3. This act shall take effect immediately.