

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 919 Session of 2017

INTRODUCED BY HAYWOOD, BARTOLOTTA, SCHWANK, SABATINA, FONTANA, RAFFERTY, HUGHES, FARNESE, YUDICHAK, MCGARRIGLE, COSTA, KILLION, VULAKOVICH AND TARTAGLIONE, OCTOBER 5, 2017

REFERRED TO URBAN AFFAIRS AND HOUSING, OCTOBER 5, 2017

AN ACT

1 Amending the act of May 28, 1937 (P.L.955, No.265), entitled "An
 2 act to promote public health, safety, morals, and welfare by
 3 declaring the necessity of creating public bodies, corporate
 4 and politic, to be known as housing authorities to engage in
 5 slum clearance, and to undertake projects, to provide
 6 dwelling accommodations for persons of low income; providing
 7 for the organization of such housing authorities; defining
 8 their powers and duties; providing for the exercise of such
 9 powers, including the acquisition of property by purchase,
 10 gift or eminent domain, the renting and selling of property,
 11 and including borrowing money, issuing bonds, and other
 12 obligations, and giving security therefor; prescribing the
 13 remedies of obligees of housing authorities; authorizing
 14 housing authorities to enter into agreements, including
 15 agreements with the United States, the Commonwealth, and
 16 political subdivisions and municipalities thereof; defining
 17 the application of zoning, sanitary, and building laws and
 18 regulations to projects built or maintained by such housing
 19 authorities; exempting the property and securities of such
 20 housing authorities from taxation; and imposing duties and
 21 conferring powers upon the State Planning Board, and certain
 22 other State officers and departments," further providing for
 23 powers of an authority; and providing for relocation.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 Section 1. Section 10 of the act of May 28, 1937 (P.L.955,
 27 No.265), referred to as the Housing Authorities Law, is amended
 28 by adding a clause to read:

1 Section 10. Powers of an Authority.--An Authority shall
2 constitute a public body, corporate and politic, exercising
3 public powers of the Commonwealth as an agency thereof, which
4 powers shall include all powers necessary or appropriate to
5 carry out and effectuate the purpose and provisions of this act,
6 including the following powers, in addition to others herein
7 granted:

8 * * *

9 (hh) To cooperate and execute agreements with other
10 authorities for the purposes of accommodating a tenant who
11 requests to be relocated under section 13.3.

12 Section 2. The act is amended by adding a section to read:

13 Section 13.3. Relocation.--(a) A tenant who is a victim of
14 domestic or sexual violence may request relocation under this
15 section if the tenant expressly requests an emergency transfer
16 and:

17 (1) experienced domestic or sexual violence on the premises
18 within ninety (90) calendar days of the request; or

19 (2) reasonably believes that the tenant or an affiliated
20 individual is threatened with imminent harm of domestic or
21 sexual violence if the tenant remains on the premises.

22 (b) An authority shall make a good faith effort, in
23 consultation with a tenant seeking relocation, to reasonably
24 relocate the tenant to a safe and suitable dwelling under the
25 control of the authority or another authority.

26 (c) A tenant seeking relocation may submit to an authority a
27 request for any of the following:

28 (1) Relocation from the tenant's existing dwelling unit to
29 another dwelling unit under the control of the authority.

30 (2) Receipt of a housing choice voucher.

1 (3) Assistance with identifying other housing providers
2 which may have safe and available dwelling units.

3 (4) Assistance with contacting local organizations offering
4 assistance to victims of domestic or sexual violence.

5 (d) Each authority shall review and determine a request
6 submitted under this section within five (5) business days of
7 receipt of the request.

8 (e) If an authority finds that the tenant qualifies for
9 relocation or related assistance under this section, the
10 authority shall take any of the following steps, subject to
11 availability:

12 (1) Relocate the tenant making the request to another
13 dwelling unit under the control of the authority or another
14 authority.

15 (2) Provide the tenant with a housing choice voucher within
16 thirty (30) days of the submission of the request.

17 (3) Assist the tenant with identifying other housing
18 providers which may have safe and available dwelling units.

19 (4) Assist the tenant with contacting local organizations
20 offering assistance to victims of domestic or sexual violence.

21 (f) A tenant may establish sufficient proof of domestic or
22 sexual violence to qualify for relocation under this section
23 through any of the following:

24 (1) A current order of protection under 23 Pa.C.S. Ch. 61
25 (relating to protection from abuse) or 42 Pa.C.S. Ch. 62A
26 (relating to protection of victims of sexual violence or
27 intimidation) on behalf of the tenant or an affiliated
28 individual.

29 (2) Police reports, medical records or court documents
30 relating to the tenant's or an affiliated individual's

1 victimization as a result of domestic or sexual violence.

2 (3) A certification of abuse as provided in subsection (g).

3 (4) Any other evidence of the conviction or other
4 adjudication of guilt for domestic or sexual violence committed
5 against the tenant or an affiliated individual.

6 (g) If an authority receives no conflicting information
7 regarding domestic or sexual violence, an authority may request
8 a tenant seeking relocation under this section to submit a
9 certification to the authority that includes the following:

10 (1) The tenant's name.

11 (2) The address of the tenant's dwelling unit.

12 (3) A statement that the tenant or an affiliated individual
13 is a victim of domestic or sexual violence.

14 (4) A statement of the incident of domestic or sexual
15 violence.

16 (5) If known and safe to provide, the name of the
17 perpetrator who committed the domestic or sexual violence.

18 (6) The proposed date for the termination of the lease or
19 the release of the tenant from the lease.

20 (h) If an authority receives conflicting information
21 regarding domestic or sexual violence, an authority may request
22 a written verification signed by an attesting third party that
23 includes the following:

24 (1) The tenant's name.

25 (2) The address of the tenant's dwelling unit.

26 (3) The approximate dates during which the domestic or
27 sexual violence occurred, including the most recent date.

28 (4) The name, address and telephone number of the attesting
29 third party. The authority may waive the inclusion of any part
30 of this information it determines would unreasonably risk the

1 safety of the tenant or an affiliated individual.

2 (5) The capacity in which the attesting third party received
3 the information regarding the domestic or sexual violence.

4 (6) A statement that the attesting third party:

5 (i) has been advised by the tenant or an affiliated
6 individual that the tenant or an affiliated individual is a
7 victim of domestic or sexual violence;

8 (ii) considers the tenant's certification to be credible;

9 (iii) understands that the verification may be used as the
10 basis for releasing the tenant from a lease; and

11 (iv) understands that the statement may be used in court in
12 proceedings related to this section.

13 (i) If the domestic or sexual violence did not occur on the
14 premises within ninety (90) calendar days of the date of the
15 request for relocation, documentation under this section
16 submitted by a tenant must include a statement that the tenant
17 reasonably believes the tenant or an affiliated individual is
18 threatened with imminent harm from further domestic or sexual
19 violence if not relocated from the current dwelling unit.

20 (j) Statements made within a tenant's certification or an
21 attesting third party's verification may be used in court in
22 proceedings related to this section and shall be made under
23 penalty of perjury.

24 (k) The following shall apply regarding confidentiality and
25 permitted disclosure:

26 (1) All information submitted to an authority by a tenant
27 seeking relocation under this section shall be confidential and
28 shall not be subject to disclosure except as ordered by a court
29 of competent jurisdiction or otherwise provided in this section.

30 (2) An authority may disclose the new address of a relocated

1 tenant only to the extent the tenant provides specific time-
2 limited consent to the disclosure in writing.

3 (l) If a tenant complies with this section, an authority may
4 not assess a fee or other penalty against the tenant solely for
5 exercising a right granted under this this section or other law.

6 (m) A tenant may seek to enforce the tenant's rights under
7 this section using an available remedy provided by Federal or
8 State law.

9 (n) As used in this section, the following words and phrases
10 shall have the meanings given to them in this subsection:

11 "Affiliated individual." As defined by 34 U.S.C. § 12491(a)

12 (1) (relating to housing protections for victims of domestic
13 violence, dating violence, sexual assault, and stalking).

14 "Attesting third party." Any of the following:

15 (1) A law enforcement official.

16 (2) A licensed health care professional.

17 (3) A victim advocate as defined by 34 U.S.C. § 12291(a) (41)
18 (relating to definitions and grant provisions).

19 (4) A victim assistant as defined by 34 U.S.C. § 12291(a)
20 (42).

21 (5) A victim service provider as defined by 34 U.S.C. §
22 12291(a) (43) or a provider of victim services as defined by 34
23 U.S.C. § 12291(a) (44).

24 "Domestic or sexual violence." Any of the following:

25 (1) Conduct against a family or household member that
26 constitutes an offense under any of the following:

27 (i) 18 Pa.C.S. § 2504 (relating to involuntary
28 manslaughter).

29 (ii) 18 Pa.C.S. § 2701 (relating to simple assault).

30 (iii) 18 Pa.C.S. § 2702(a) (3), (4) or (5) (relating to

1 aggravated assault).

2 (iv) 18 Pa.C.S. § 2705 (relating to recklessly endangering
3 another person).

4 (v) 18 Pa.C.S. § 2706 (relating to terroristic threats).

5 (vi) 18 Pa.C.S. § 2709.1 (relating to stalking).

6 For the purpose of this paragraph, the term "family or household
7 member" shall have the same meaning as in 23 Pa.C.S. § 6102
8 (relating to definitions).

9 (2) Conduct that constitutes abuse as defined in 23 Pa.C.S.
10 § 6102.

11 (3) Conduct that constitutes sexual violence as defined in
12 42 Pa.C.S. § 62A03 (relating to definitions).

13 "Premises." A dwelling and the structure of which it is a
14 part. The term includes the exterior or interior areas:

15 (1) associated with the structure that are excluded from the
16 dwelling unit, including the fixtures, facilities and
17 appurtenances; and

18 (2) held out for the use of tenants generally or the use of
19 which is promised to the tenants.

20 Section 3. This act shall take effect in six months.