
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 329 Session of
2021

INTRODUCED BY MADDEN, SCHLOSSBERG, CIRESI, DALEY, DAVIDSON,
A. DAVIS, FIEDLER, FREEMAN, GALLOWAY, GUZMAN, HANBIDGE, HILL-
EVANS, HOHENSTEIN, INNAMORATO, KENYATTA, KINKEAD, LEE,
MALAGARI, O'MARA, SANCHEZ, SCHWEYER AND WEBSTER,
JANUARY 29, 2021

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 29, 2021

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, prohibiting
3 fees on late or missed rent payments or other similar charges
4 during COVID-19 disaster emergency.

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

7 Section 1. Title 35 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 7309. Prohibiting fees on late or missed rent payments or
10 other similar charges during COVID-19 disaster
11 emergency.

12 (a) Prohibition.--Notwithstanding any other provision of
13 law, a landlord may not charge, collect or enforce any late fee,
14 interest on back rent or other similar charge for a late or
15 missed rent payment on a tenant during the COVID-19 disaster
16 emergency.

17 (b) Remedies.--Any late fee, interest on back rent or other

1 similar charge for a late or missed rent payment prohibited
2 under subsection (a) that is paid to a landlord by a tenant
3 shall be credited to the tenant against any future rent owed to
4 the landlord. If there is no future rent owed by the tenant, the
5 amount paid under this subsection shall be credited against any
6 other financial obligations owed by the tenant to the landlord.

7 (c) Defenses.--The failure of a landlord to comply with this
8 section may be asserted as a defense by a tenant in an action
9 before an adjudicatory body and may not be waived.

10 (d) Applicability.--This section shall apply retroactively
11 to any late fee, interest on back rent or other similar charge
12 for a late or missed rent payment charged, collected or
13 enforced by a landlord on a tenant during the COVID-19 disaster
14 emergency before the effective date of this section.

15 (e) Expiration.--This section shall expire 12 months after
16 the expiration or termination of the COVID-19 disaster emergency
17 by executive order, proclamation or operation of law.

18 (f) Definition.--As used in this section, the term "COVID-19
19 disaster emergency" means the proclamation of disaster emergency
20 issued by the Governor on March 6, 2020, published at 50 Pa.B.
21 1644 (March 21, 2020), and any renewal of the state of disaster
22 emergency.

23 Section 2. This act shall take effect immediately.