
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1777 Session of
2021

INTRODUCED BY SCHMITT, RIGBY AND JAMES, AUGUST 11, 2021

REFERRED TO COMMITTEE ON URBAN AFFAIRS, AUGUST 11, 2021

AN ACT

1 Providing for suspension of the duty to pay rent for dwellings
2 certified by municipalities to be unfit for human habitation
3 and for withholding in escrow and disposition of money held
4 in escrow under certain circumstances; and making a related
5 repeal.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Municipality
10 Rent Withholding Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Dwelling." Premises that are leased to an individual for
16 residential purposes.

17 "Landlord." A person who leases a dwelling to an individual.

18 "Municipality." A county, city, township or borough, whether
19 or not operating under a home rule charter.

20 "Tenant." An individual who leases a dwelling from a

1 landlord.

2 Section 3. Suspension of rent.

3 Notwithstanding any other provision of law, or of any
4 agreement, whether oral or in writing, whenever a municipality
5 certifies a dwelling as unfit for human habitation, the duty of
6 any tenant of the dwelling to pay, and the right of the landlord
7 to collect rent shall be suspended without affecting any other
8 term or condition of the landlord-tenant relationship, until:

9 (1) the dwelling is certified as fit for human
10 habitation; or

11 (2) the tenancy is terminated for a reason other than
12 nonpayment of rent.

13 Section 4. Deposit of withheld rent in escrow.

14 During any period when the duty to pay rent is suspended, and
15 the tenant continues to occupy the dwelling, the rent withheld
16 shall be deposited by the tenant in an escrow account in a bank
17 or trust company approved by the municipality.

18 Section 5. Disposition of escrow account.

19 (a) When payable to landlord.--The money in the escrow
20 account shall be paid to the landlord when the dwelling is
21 certified as fit for human habitation at any time within six
22 months from the date on which the dwelling was certified as
23 unfit for human habitation.

24 (b) When payable to tenant.--If, at the end of six months
25 after the certification of the dwelling as unfit for human
26 habitation, the dwelling has not been certified as fit for human
27 habitation, the money deposited in escrow on account of
28 continued occupancy shall be payable to the tenant.

29 (c) Payable for repairs and utility service.--

30 Notwithstanding the provisions of subsections (a) and (b), money

1 deposited in escrow may be used for the purpose of making the
2 dwelling fit for human habitation and for the payment of utility
3 services for which the landlord is obligated but which the
4 landlord refuses or is unable to pay.

5 Section 6. Eviction prohibited.

6 The tenant may not be evicted while rent is deposited in
7 escrow in accordance with this act.

8 Section 7. Preservation of existing rights.

9 This act is a continuation of the act of January 24, 1966
10 (1965 P.L.1534, No.536), referred to as the City Rent
11 Withholding Act, and the following shall apply:

12 (1) All activities initiated under the City Rent
13 Withholding Act shall continue and remain in full force and
14 effect and may be completed under this act. Resolutions,
15 orders, regulations, rules and decisions which were made
16 under the City Rent Withholding Act and which are in effect
17 on the effective date of this section shall remain in full
18 force and effect until revoked, vacated or modified under
19 this act. Contracts, obligations and agreements entered into
20 or subject to the City Rent Withholding Act are not affected
21 nor impaired by the repeal of the City Rent Withholding Act.

22 (2) Except as specified in paragraph (3), any difference
23 in language between this act and the City Rent Withholding
24 Act is intended only to conform to style and is not intended
25 to change or affect the legislative intent, judicial
26 construction or administrative interpretation and
27 implementation of the City Rent Withholding Act.

28 (3) Paragraph (2) does not apply to section 2 of this
29 act.

30 Section 8. Repeal.

1 (a) Finding.--The General Assembly finds that the repeal
2 under subsection (b) is necessary to effectuate this act.

3 (b) Repeal.--The act of January 24, 1966 (1965 P.L.1534,
4 No.536), referred to as the City Rent Withholding Act, is
5 repealed.

6 Section 9. Effective date.

7 This act shall take effect in 60 days.