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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1135 Session of  
2022

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INTRODUCED BY SAVAL, FONTANA, KANE, KEARNEY, MUTH, CAPPELLETTI,  
COSTA, HUGHES, COMITTA, STREET, TARTAGLIONE, HAYWOOD,  
COLLETT, BREWSTER, SCHWANK, L. WILLIAMS, SANTARSIERO, FLYNN,  
A. WILLIAMS, BOSCOLA AND BROWNE, MARCH 7, 2022

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REFERRED TO URBAN AFFAIRS AND HOUSING, MARCH 7, 2022

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AN ACT

1 Providing for funding to address habitability concerns in owner-  
2 occupied and rental units, measures to improve energy or  
3 water efficiency and make units accessible for individuals  
4 with disabilities; establishing the Whole-Home Repairs  
5 Program and the Whole-Home Repairs Fund; and imposing duties  
6 on the Department of Community and Economic Development.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Whole-Home  
11 Repairs Act.

12 Section 2. Definitions.

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

16 "Affordable units." Units where rents are affordable to  
17 tenants at or below 60% of area median income, adjusted for  
18 household size, as defined annually by the Pennsylvania Housing  
19 Finance Agency's PennHOMES County-wide Limits.

1 "Code." A building, housing, property maintenance, fire,  
2 health or other public safety ordinance, related to the use or  
3 maintenance of real property, enacted by a municipality. The  
4 term does not include a subdivision and land development  
5 ordinance or a zoning ordinance enacted by a municipality.

6 "County applicant." A nonprofit or governmental entity that  
7 serves one or more counties.

8 "Court." The appropriate court of common pleas.

9 "Department." The Department of Community and Economic  
10 Development of the Commonwealth.

11 "Disabilities." As the term "handicap or disability" is  
12 defined in section 4 of the act of October 27, 1955 (P.L.744,  
13 No.222), known as the Pennsylvania Human Relations Act.

14 "Existing home repair programs." Programs administered by  
15 nonprofit organizations, governmental entities and public  
16 utilities, or the contractors and assignees of such entities,  
17 that provide services to repair residential housing that are  
18 funded in accordance with or through, but not exclusively  
19 limited to, the following programs:

20 (1) The weatherization assistance programs administered  
21 as a part of the programs authorized under the Low-Income  
22 Home Energy Assistance Act of 1981 (Public Law 97-35, 42  
23 U.S.C. § 8621 et seq.) or the Energy Conservation in Existing  
24 Buildings Act of 1976 (Public Law 94-385, 42 U.S.C. § 6851 et  
25 seq.).

26 (2) The Community Development Block Grant Program under  
27 Title I of the Housing and Community Development Act of 1974  
28 (Public Law 93-383, 88 Stat. 633), as amended.

29 (3) The HOME program under the act of December 18, 1992  
30 (P.L.1376, No.172), known as the Pennsylvania Affordable

1 Housing Act.

2 (4) The Medical Assistance Community HealthChoices  
3 Program.

4 (5) The Pennsylvania Housing Affordability and  
5 Rehabilitation Enhancement Program under Article IV-D of the  
6 act of December 3, 1959 (P.L.1688, No.621), known as the  
7 Housing Finance Agency Law.

8 (6) The Keystone Communities Program administered by the  
9 department.

10 (7) Low-income usage reduction programs established  
11 under 52 Pa. Code Ch. 58 (relating to residential low income  
12 usage reduction programs).

13 (8) The Energy Efficiency and Conservation Program  
14 established under 66 Pa.C.S. § 2806.1(b)(1)(i)(G) (relating  
15 to energy efficiency and conservation program).

16 "Fund." The Whole-Home Repairs Fund established under  
17 section 5.

18 "Habitability concerns." Home repairs that are required to  
19 ensure residential units are any of the following:

20 (1) Fit for human habitation.

21 (2) Free from defective conditions or health and safety  
22 hazards, including asbestos, mold, pests or lead.

23 (3) Free of conditions preventing installation of  
24 measures to improve energy or water efficiency and lower  
25 utility costs.

26 "Homeowner." A person who is any of the following:

27 (1) An owner of record evidenced by a publicly recorded  
28 deed.

29 (2) An owner-occupant of a manufactured home who leases  
30 a space in a manufactured home community.

1 (3) An equitable owner who can demonstrate an ownership  
2 interest in a property as provided by law, including:

3 (i) A person who has inherited an interest in a  
4 property.

5 (ii) A person who has entered a contract to purchase  
6 a property.

7 (iii) A person who was the owner of record before a  
8 fraudulent conveyance of the property.

9 (iv) A person who is a trust beneficiary and a  
10 person holding a partial ownership interest in a property  
11 such as tenancy by the entirety, joint tenancy, tenancy  
12 in common and life estate.

13 "Program." The Whole-Home Repairs Program established under  
14 section 3.

15 "Serious violation." A violation of a State law or code that  
16 poses an imminent threat to the health and safety of a dwelling  
17 occupant, occupants in surrounding structures or passersby.

18 "Small landlords." A person, who is a landlord, who has an  
19 ownership stake in no more than five properties and no more than  
20 15 rental units and rents those properties or units for use as a  
21 primary residence for a fee, regardless of the length or form of  
22 the lease.

23 "State law." A statute of the Commonwealth or a regulation  
24 of an agency charged with the administration and enforcement of  
25 Commonwealth laws.

26 "Substantial step." An affirmative action as determined by a  
27 property code official or officer of the court on the part of a  
28 small landlord or property managing agent to remedy a serious  
29 violation of a State law or code, including physical  
30 improvements or repairs to the property, which affirmative

1 action is subject to appeal in accordance with applicable law.

2 Section 3. Establishment.

3 The Whole-Home Repairs Program is established within the  
4 department and shall be administered by the department.

5 Section 4. Administration of program.

6 (a) Applications.--The department shall make available an  
7 application for a county applicant to apply for funding under  
8 the program. The application may be accepted electronically.

9 (b) Awarding of grants.--The department shall award grants  
10 to no more than one county applicant per county for project  
11 types under subsection (c) to be used for purposes under  
12 subsection (d). This subsection shall not be construed to  
13 prohibit the department from awarding more than one grant to a  
14 county applicant to serve multiple counties.

15 (c) Project types.--The program shall provide funding for  
16 the following:

17 (1) To ensure owner-occupied and rental units are free  
18 of habitability concerns.

19 (2) To improve coordination across existing home repair  
20 programs.

21 (3) To increase retention in workforce development  
22 programs.

23 (d) Purposes.--Money for projects under subsection (c) shall  
24 be used for all of the following:

25 (1) Grants and loans not to exceed \$50,000 per unit to  
26 address habitability concerns, to improve energy or water  
27 efficiency, and, where requested, to make units accessible  
28 for individuals with disabilities through the provision of:

29 (i) Grants for homeowners whose household income  
30 does not exceed 80% of the area median income.

1           (ii) Loans to small landlords renting affordable  
2 units that are recorded against a residential property in  
3 a mortgage security. Loans awarded under this  
4 subparagraph shall comply with the following conditions:

5           (A) Loans made to small landlords who have  
6 maintained compliance with each of the following  
7 shall be forgiven:

8           (I) The small landlord offered to extend by  
9 three years the lease of the tenant occupying the  
10 unit when the funds were accepted.

11           (II) Annual increases in monthly rent have  
12 not exceeded 3% of the base rent or the unit has  
13 been occupied by a tenant participating in the  
14 Housing Choice Voucher Program for a period of no  
15 less than 15 years.

16           (III) In the prior 15 years, the small  
17 landlord has not committed a serious violation  
18 with regard to the small landlord's rental  
19 property for which the small landlord has taken  
20 no substantial steps to correct the serious  
21 violation within six months following  
22 notification of the serious violation and for  
23 which no fines or other penalties or a judgment  
24 to abate or correct were imposed by a magisterial  
25 district judge or municipal court, nor a judgment  
26 at law or in equity was imposed by a court. The  
27 condition under this subclause may be met if the  
28 property subject to the judgment, order or decree  
29 is subject to a stay or supersedeas by an order  
30 of a court of competent jurisdiction or

1 automatically allowed by statute or rule of court  
2 until the stay or supersedeas is lifted by the  
3 court or a higher court or the stay or  
4 supersedeas expires as otherwise provided by law.  
5 Where a stay or supersedeas is in effect, the  
6 small landlord shall so advise the county  
7 applicant.

8 (IV) The small landlord has maintained  
9 ownership of the unit for a period of no less  
10 than 15 years.

11 (B) Loans made to small landlords who have not  
12 maintained compliance with each of the conditions in  
13 clause (A) shall be recaptured by county applicants.

14 (iii) Where possible, county applicants shall  
15 prioritize the use of existing home repair programs'  
16 funds to address habitability concerns, measures to  
17 improve energy or water efficiency and, where requested,  
18 to make units accessible for individuals with  
19 disabilities.

20 (2) The county applicant's administration of the  
21 program, including staff, implementation systems and data  
22 management tools designed to maximize enrollment in all  
23 existing home repair programs and use of the fund through the  
24 provision and enhancement of all of the following:

25 (i) Technical assistance and case management  
26 services for homeowners, renters and small landlords.

27 (ii) A universal program application process  
28 evidenced by a single point of contact for homeowners,  
29 renters or small landlords.

30 (iii) Coordination across waitlists for existing

1 home repair programs.

2 (iv) Program and policy analysis, outcomes reporting  
3 and program evaluation.

4 (v) Referrals, where appropriate, to legal aid,  
5 social service providers specializing in mental,  
6 developmental and physical health conditions, and other  
7 relevant community-based services.

8 (3) The county applicant's investments in workforce  
9 development programs that will connect trainees to jobs  
10 through committed employer partnerships related to improving  
11 the habitability and performance of homes, including any of  
12 the following:

13 (i) Cash stipends for trainees.

14 (ii) Costs related to the design and implementation  
15 of preapprenticeship, apprenticeship and publicly funded  
16 on-the-job training programs.

17 (e) Limitation.--The following shall apply:

18 (1) Program funds shall not supplant existing resources  
19 dedicated to existing home repair programs, but may be used  
20 to support, expand and enhance existing home repair programs  
21 as provided under this section.

22 (2) The department may not award funding to more than  
23 one county applicant per county. This paragraph shall not be  
24 construed to prohibit the department from awarding funding to  
25 a county applicant to serve other counties.

26 Section 5. Whole-Home Repairs Fund.

27 (a) Establishment.--The Whole-Home Repairs Fund is  
28 established as a special fund in the State Treasury.

29 (b) Contributions to the fund.--The following shall be  
30 deposited into the fund:



1 (1) Appropriations from the General Assembly.

2 (2) Any allocations received by the Commonwealth from  
3 the Federal Government made available for purposes of funding  
4 the program.

5 (3) Any gift, donation, legacies or other revenues.

6 (c) Interest.--Any interest that accrues from money in the  
7 fund shall remain in the fund.

8 (d) Use of funds.--Money in the fund is appropriated to the  
9 department on a continuing basis to carry out the provisions of  
10 this act. The appropriation shall not lapse at the end of any  
11 fiscal year.

12 Section 6. Administration by the department.

13 (a) Costs.--The department shall be reimbursed by the fund  
14 for its administrative costs in carrying out the provisions of  
15 this act.

16 (b) Guidelines.--The department may develop and publish  
17 program guidelines for the implementation and administration of  
18 the program.

19 Section 7. Reports.

20 (a) Department reporting.--No later than September 1  
21 following the first fiscal year or any portion of the first  
22 fiscal year in which the program is in effect and no later than  
23 September 1 for all succeeding fiscal years in which the program  
24 is in effect, the department shall prepare a report on the  
25 program and submit it to the chairperson and minority  
26 chairperson of the Appropriations Committee of the Senate, the  
27 chairperson and minority chairperson of the Appropriations  
28 Committee of the House of Representatives, the chairperson and  
29 minority chairperson of the Urban Affairs and Housing Committee  
30 of the Senate and the chairperson and minority chairperson of

1 the Urban Affairs Committee of the House of Representatives. The  
2 department shall post the report on the department's publicly  
3 accessible Internet website. The report shall include all of the  
4 following information for the prior year:

5 (1) On program funds utilized under section 4(d)(1):

6 (i) The total number of units, and the average cost  
7 per unit, for which homeowners addressed habitability  
8 concerns, installed energy efficiency measures and made  
9 accessible for individuals with disabilities as a result  
10 of program funds awarded under this act.

11 (ii) The total number of units, and the average cost  
12 per unit, for which small landlords addressed  
13 habitability concerns, installed energy efficiency  
14 measures and made accessible for individuals with  
15 disabilities as a result of program funds awarded under  
16 this act.

17 (iii) The total amount of program funds invested in  
18 addressing habitability concerns, installing energy  
19 efficiency measures and making units accessible for  
20 individuals with disabilities.

21 (iv) The total number of grant and loan applications  
22 that were received, approved and denied.

23 (v) A summary of the most common reasons for denial  
24 of applications.

25 (vi) The income and demographic information for  
26 households assisted under the program.

27 (2) On program funds utilized under section 4(d)(2):

28 (i) A summary of the most common referrals as  
29 described under section 4(d)(2)(v).

30 (ii) The number of new staff hired to fulfill the

1 services described under section 4(d) (2).

2 (iii) A summary of systems improvements to fulfill  
3 the services described under section 4(d) (2).

4 (3) On program funds utilized under section 4(d) (3):

5 (i) The total amount of program funds invested in  
6 workforce development programs.

7 (ii) The total number and average amount of cash  
8 stipends provided to trainees.

9 (iii) The income and demographic information for  
10 individuals assisted by funds utilized under section 4(d)  
11 (3).

12 (b) County reporting.--The department may require county  
13 applicants awarded grants under the program to submit reports,  
14 on a form and in a manner prescribed by the department,  
15 containing information necessary for the department to comply  
16 with subsection (a).

#### 17 Section 8. Funding.

18 The department's implementation of the program shall be  
19 contingent upon sufficient program funds being deposited into  
20 the fund in accordance with section 5 to carry out the purposes  
21 of this act. In a year in which there are insufficient program  
22 funds deposited into the fund for the purposes outlined in this  
23 act, the program shall cease until sufficient Federal funds are  
24 allocated to the Commonwealth, funds are specifically  
25 appropriated by the General Assembly or funds are provided by a  
26 source other than the Commonwealth.

#### 27 Section 9. Effective date.

28 This act shall take effect in 180 days.