
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 951 Session of
2023

INTRODUCED BY BURNS AND DELLOSO, APRIL 17, 2023

REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,
APRIL 17, 2023

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," providing for public
23 housing safety committees; further providing for requirements
24 regarding tenants and landlords in cities of the first class;
25 and providing for background checks for landlords.

26 The General Assembly of the Commonwealth of Pennsylvania

27 hereby enacts as follows:

28 Section 1. The act of May 28, 1937 (P.L.955, No.265),

29 referred to as the Housing Authorities Law, is amended by adding

1 a section to read:

2 Section 4.3. Public Housing Safety Committees.--(a)
3 Notwithstanding any other provision of law, within each
4 Authority, a public housing safety committee shall be
5 established. Each public housing safety committee shall consist
6 of five members, including the Executive Director of the
7 Authority, the District Attorney of the county in which the
8 Authority is located, the sheriff of the county in which the
9 Authority is located, a uniformed commissioned police officer
10 and the President Judge of the county in which the Authority is
11 located.

12 (b) The Authority shall be located within each county that
13 has a population of at least one hundred forty thousand
14 (140,000) but less than one hundred forty-five thousand
15 (145,000) based on the 2010 Federal decennial census.

16 (c) When an Authority receives a background check in
17 compliance with Federal law, the Authority shall review the
18 background check to see if the applicant has any criminal
19 offenses of the grading of a misdemeanor of the third degree or
20 higher. If an applicant has this offense on the applicant's
21 record and all other admissions criteria are met, the Authority
22 shall present all relevant information to the public housing
23 safety committee for its review.

24 (d) The public housing safety committee shall meet regularly
25 at the call of the President Judge. The President Judge shall
26 serve as the presiding officer of all meetings of the public
27 housing safety committee. All five members of the public housing
28 safety committee must be present.

29 (e) The public housing safety committee shall take all
30 measures necessary to comply with relevant Federal law while

1 conducting the business of the public housing safety committee.

2 (f) Prior to reviewing the documentation, the Authority
3 shall provide the members of the public housing safety committee
4 with an overview of existing Federal laws and regulations that
5 the public housing safety committee must follow.

6 (g) The public housing safety committee shall review the
7 documentation provided by the Authority regarding each tenant
8 with a previous criminal record. The public housing safety
9 committee shall review each applicant on a case-by-case basis.

10 The public housing safety committee shall:

11 (1) Evaluate if the previous criminal activity threatens the
12 health, safety or right to peaceful enjoyment of the premises by
13 other residents or persons residing in the immediate vicinity.

14 (2) Consider:

15 (i) the severity of the crime committed;

16 (ii) the length of time since the offense;

17 (iii) the actions of the applicant since committing the
18 crime;

19 (iv) any other required considerations under existing
20 Federal law; and

21 (v) any other considerations the public housing safety
22 committee deems necessary to evaluate the applicants on a case-
23 by-case basis to ensure the health, safety or right to peaceful
24 enjoyment of the premises by other residents or persons residing
25 in the immediate vicinity.

26 (h) The public housing safety committee shall vote to inform
27 the Authority if the public housing safety committee determines
28 that the applicant does not present a threat to the health,
29 safety or right to peaceful enjoyment of the premises by other
30 residents or persons residing in the immediate vicinity. A vote

1 under this subsection must be unanimous.

2 (i) Once informed of a unanimous vote in support of the
3 applicant by the public housing safety committee, the Authority
4 shall take appropriate action consistent with Federal law.

5 (j) Once informed that the public housing safety committee
6 failed to reach a unanimous vote in support of the applicant,
7 the Authority shall deny the applicant. If the applicant is
8 denied due to the applicant's criminal history, the Authority
9 shall comply with the procedures outlined in Federal law.

10 (k) If the applicant has a criminal record and the sole
11 offense or offenses relate to being a victim of domestic
12 violence, dating violence, sexual assault or stalking, or if the
13 applicant is seeking relocation under section 13.3, the
14 applicant shall not have to be reviewed by the public housing
15 safety committee. The Authority shall determine if an applicant
16 under this subsection presents a threat to the health, safety or
17 right to peaceful enjoyment of the premises by other residents
18 or persons residing in the immediate vicinity.

19 (l) No member of the public housing safety committee may be
20 liable, in the member's personal or official capacity, for any
21 action taken as a member of the public housing safety committee.

22 Section 2. Section 13.1 of the act is amended to read:

23 Section 13.1. Requirements Regarding Tenants and Landlords
24 [in Cities of the First Class].--(a) An Authority [of a city of
25 the first class] shall take such measures as are necessary to
26 ensure compliance with all requirements imposed on the Authority
27 by Federal law regarding criminal activity by tenants and
28 prospective tenants, including, but not limited to, all
29 requirements regarding background checks.

30 (b) (1) An Authority [of a city of the first class] shall

1 not approve or renew any person or firm as a landlord in the
2 Housing Choice Voucher Program established pursuant to 24 CFR
3 Pt. 982 (relating to section 8 tenant based assistance: housing
4 choice voucher program) if such person or firm is delinquent on
5 any property tax due with respect to the property for which
6 approval or renewal is sought.

7 (2) For purposes of this subsection, a person or firm that
8 is current on a payment agreement with the taxing authority for
9 the property tax delinquency shall not be considered delinquent
10 with respect to the outstanding property tax liability covered
11 by such agreement, but a person or firm that is in breach of
12 such agreement shall be considered delinquent.

13 Section 3. The act is amended by adding a section to read:

14 Section 13.4. Background Checks for Landlords.--(a)
15 Notwithstanding any other provision of law, upon request by a
16 landlord in the Housing Choice Voucher Program established in
17 accordance with 24 CFR Pt. 982 (relating to Section 8 tenant-
18 based assistance: Housing Choice Voucher Program), a law
19 enforcement agency shall provide the landlord with a background
20 check for any adult household member of the applicant's
21 household.

22 (b) The landlord shall provide the law enforcement agency
23 with a consent form completed by the applicant.

24 (c) When the law enforcement agency receives the completed
25 consent form, the law enforcement agency must promptly release
26 to the landlord a copy of any criminal conviction records
27 concerning the household member in the possession or control of
28 the law enforcement agency.

29 (d) The landlord may not share the information provided in
30 the reports with any other party. Disclosure of information

1 contained in the reports may result in criminal and civil
2 penalties pursuant to existing State law.

3 Section 4. Within 90 days of the effective date of this
4 section, each authority and landlord in the Housing Choice
5 Voucher Program established under 24 CFR Pt. 982 shall modify
6 all existing documents and procedures necessary to comply with
7 Federal and State law, including the provisions of this act.

8 Section 5. This act shall take effect as follows:

9 (1) The following provisions shall take effect
10 immediately:

11 (i) Section 4 of this act.

12 (ii) This section.

13 (2) The remainder of this act shall take effect in 90
14 days.