

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1796 Session of
2013

INTRODUCED BY STEPHENS, VEREB, SCHLOSSBERG, ROZZI, COHEN,
SWANGER, GODSHALL, WATSON, MURT, REED, DELOZIER, HARPER,
SAYLOR, PARKER, DIGIROLAMO, QUINN, FRANKEL, SANTARSIERO,
DAVIS, BRADFORD, BROWNLEE, SCHREIBER, MUNDY, DERMODY, GAINNEY,
M. DALEY, DONATUCCI AND KIM, OCTOBER 22, 2013

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 11, 2013

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in preemptions, providing for
3 protection for victims of ABUSE OR crime. <--

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

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 ~~§ 303. Protection for victims of crime.~~ <--

9 ~~(a) General rule. No ordinance enacted by a municipality~~
10 ~~shall penalize a resident or landlord for police or emergency~~
11 ~~assistance if the assistance was requested or dispatched based~~
12 ~~upon the reasonable belief that an individual was in need of~~
13 ~~intervention or emergency assistance.~~

14 ~~(b) Applicability. The provisions of subsection (a) shall~~
15 ~~apply irrespective of the effective date of the ordinance.~~

16 ~~(c) Remedies. If a municipality enforces or attempts to~~

~~enforce an ordinance against a resident or landlord in violation of subsection (a), the resident or landlord may bring a civil action for a violation of this section and seek an order from a court of competent jurisdiction for any of the following remedies:~~

~~(1) An order requiring the municipality to cease and desist the unlawful practice.~~

~~(2) Payment of compensatory damages.~~

~~(3) Payment of punitive damages, not to exceed \$1,000 per violation.~~

~~(4) Payment of reasonable attorney fees.~~

~~(5) Payment of court costs.~~

~~(6) Other relief as the court may deem appropriate.~~

~~(d) Preemption. This section preempts any inconsistent local ordinance or rule.~~

~~(e) Definition. As used in this section, the term "penalize" includes to harass, threaten, harm, damage or otherwise retaliate or discriminate, assess fines or to evict or cause eviction from leased premises.~~

~~Section 2. This act shall take effect in 60 days.~~

~~§ 303. PROTECTION FOR VICTIMS OF ABUSE OR CRIME.~~

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~~(A) DECLARATION OF POLICY.--THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:~~

~~(1) IT IS THE PUBLIC POLICY OF THE COMMONWEALTH TO ENSURE THAT ALL VICTIMS OF ABUSE AND CRIME AND INDIVIDUALS IN AN EMERGENCY ARE ABLE TO CONTACT POLICE OR EMERGENCY ASSISTANCE WITHOUT PENALTY.~~

~~(2) THIS SECTION IS INTENDED TO SHIELD RESIDENTS, TENANTS AND LANDLORDS FROM PENALTIES THAT MAY BE LEVIED PURSUANT TO ENFORCEMENT OF AN ORDINANCE OR REGULATION IF~~

1 POLICE OR EMERGENCY SERVICES RESPOND TO A RESIDENCE OR
2 TENANCY TO ASSIST A VICTIM OF ABUSE OR CRIME OR INDIVIDUALS
3 IN AN EMERGENCY.

4 (3) THIS SECTION IS NOT INTENDED TO PROHIBIT
5 MUNICIPALITIES FROM ENFORCING AN ORDINANCE OR REGULATION
6 AGAINST A RESIDENT, TENANT OR LANDLORD WHERE POLICE OR
7 EMERGENCY SERVICES RESPOND TO A RESIDENCE OR TENANCY THAT
8 DOES NOT INVOLVE ASSISTANCE TO A VICTIM OF ABUSE OR CRIME OR
9 INDIVIDUALS IN AN EMERGENCY.

10 (B) PROTECTION.--NO ORDINANCE ENACTED BY A MUNICIPALITY
11 SHALL PENALIZE A RESIDENT, TENANT OR LANDLORD FOR A CONTACT MADE
12 FOR POLICE OR EMERGENCY ASSISTANCE BY OR ON BEHALF OF A VICTIM
13 OF ABUSE AS DEFINED IN 23 PA.C.S. § 6102 (RELATING TO
14 DEFINITIONS), A VICTIM OF A CRIME PURSUANT TO 18 PA.C.S.
15 (RELATING TO CRIMES AND OFFENSES) OR AN INDIVIDUAL IN AN
16 EMERGENCY PURSUANT TO 35 PA.C.S. § 8103 (RELATING TO
17 DEFINITIONS), IF THE CONTACT WAS MADE BASED UPON THE REASONABLE
18 BELIEF OF THE PERSON MAKING THE CONTACT THAT INTERVENTION OR
19 EMERGENCY ASSISTANCE WAS NECESSARY TO PREVENT THE PERPETRATION
20 OR ESCALATION OF OR TO RESPOND TO THE ABUSE, CRIME OR EMERGENCY.

21 (C) REMEDIES.--IF A MUNICIPALITY ENFORCES OR ATTEMPTS TO
22 ENFORCE AN ORDINANCE AGAINST A RESIDENT, TENANT OR LANDLORD IN
23 VIOLATION OF SUBSECTION (B), THE RESIDENT, TENANT OR LANDLORD
24 MAY BRING A CIVIL ACTION FOR A VIOLATION OF THIS SECTION AND
25 SEEK AN ORDER FROM A COURT OF COMPETENT JURISDICTION FOR ANY OF
26 THE FOLLOWING REMEDIES:

27 (1) AN ORDER REQUIRING THE MUNICIPALITY TO CEASE AND
28 DESIST THE UNLAWFUL PRACTICE.

29 (2) PAYMENT OF COMPENSATORY DAMAGES, PROVIDED THAT A
30 RESIDENT, TENANT OR LANDLORD SHALL MAKE A REASONABLE EFFORT

1 TO MITIGATE ANY DAMAGES.

2 (3) PAYMENT OF REASONABLE ATTORNEY FEES.

3 (4) PAYMENT OF COURT COSTS.

4 (5) OTHER EQUITABLE RELIEF, INCLUDING, BUT NOT LIMITED
5 TO, REINSTATING A RENTAL LICENSE OR RENTAL PERMIT, AS THE
6 COURT MAY DEEM APPROPRIATE.

7 (D) PREEMPTION.--THIS SECTION PREEMPTS ANY LOCAL ORDINANCE
8 OR REGULATION INSOFAR AS IT IS INCONSISTENT WITH THIS SECTION,
9 IRRESPECTIVE OF THE EFFECTIVE DATE OF THE ORDINANCE OR
10 REGULATION. THIS SECTION SHALL NOT AFFECT OR APPLY TO
11 ENFORCEMENT OF THE ACT OF OCTOBER 11, 1995 (1ST SP.SESS.,
12 P.L.1066, NO.23), KNOWN AS THE EXPEDITED EVICTION OF DRUG
13 TRAFFICKERS ACT, OR TO THE ENFORCEMENT OF 18 PA.C.S. § 7511
14 (RELATING TO CONTROL OF ALARM DEVICES AND AUTOMATIC DIALING
15 DEVICES).

16 (E) DEFINITION.--AS USED IN THIS SECTION, THE TERM
17 "PENALIZE" INCLUDES THE ACTUAL OR THREATENED REVOCATION,
18 SUSPENSION OR NONRENEWAL OF A RENTAL LICENSE, THE ACTUAL OR
19 THREATENED ASSESSMENT OF FINES OR THE ACTUAL OR THREATENED
20 EVICTION, OR CAUSING THE ACTUAL OR THREATENED EVICTION, FROM
21 LEASED PREMISES.

22 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 90 DAYS.