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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2923 Session of  
2022

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INTRODUCED BY GUENST, ISAACSON, HOHENSTEIN, DELLOSO, MADDEN,  
HOWARD AND ABNEY, NOVEMBER 15, 2022

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 15, 2022

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AN ACT

1 Amending the act of April 6, 1951 (P.L.69, No.20), entitled "An  
2 act relating to the rights, obligations and liabilities of  
3 landlord and tenant and of parties dealing with them and  
4 amending, revising, changing and consolidating the law  
5 relating thereto," providing for limitations on rent  
6 increases; and imposing penalties.

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

9 Section 1. The act of April 6, 1951 (P.L.69, No.20), known  
10 as The Landlord and Tenant Act of 1951, is amended by adding an  
11 article to read:

12 ARTICLE V-C

13 LIMITATIONS ON RENT INCREASES

14 Section 501-C. Definitions.

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

18 "Duplex." A structure of one or more stories, including any  
19 land appurtenant to the structure, in which exactly two units of  
20 residential dwelling space are occupied, or are intended to be

1 occupied by two or more persons who live independently of each  
2 other.

3 "Dwelling unit." A structure, or a room or group of rooms  
4 within a structure, used or intended for use, in whole or in  
5 part, for residential purposes.

6 "Percentage change in the cost of living." The term shall  
7 include:

8 (1) the percentage change from February 1 of the prior  
9 year to February 1 of the current year in the regional  
10 Consumer Price Index for the region where the dwelling unit  
11 is located, as published by the United States Bureau of Labor  
12 Statistics; or

13 (2) any alternative source for determining the  
14 percentage change in the cost of living that the secretary  
15 deems necessary to effectuate the provisions of this article.

16 "Secretary." The Secretary of Labor and Industry of the  
17 Commonwealth.

18 "Single family dwelling unit." A building or structure of  
19 one or more stories, including any land appurtenant to the  
20 structure, in which exactly one unit of residential dwelling  
21 space is occupied, or intended to be occupied, by one or more  
22 persons.

23 "Tenancy." The lawful occupation of a dwelling unit to  
24 include a lease or sublease.

25 Section 502-C. Limitations on rent increases.

26 (a) Rent increase limitation.--Except as provided in section  
27 503-C, residential landlords are prohibited from increasing rent  
28 on a dwelling unit by more than 5% plus the percentage change in  
29 the cost of living or 10%, whichever is lower, of the lowest  
30 rental rate charged for the dwelling unit at any time during the

1 12 months prior to the date when the increase takes effect.

2 (b) Sublease limitation.--A tenant of residential real  
3 property subject to this section may not enter into a sublease  
4 that results in a rental rate for the dwelling unit that exceeds  
5 the allowable rental rate under subsection (a). Nothing in this  
6 subsection authorizes a tenant to sublet or assign the tenant's  
7 interest where otherwise prohibited.

8 Section 503-C. Exceptions.

9 The rent and sublease limitations under section 502-C shall  
10 not apply to the following:

11 (1) Nonresidential real property.

12 (2) A dwelling unit restricted by deed, regulatory  
13 restriction contained in an agreement with a government  
14 agency or other recorded document as affordable housing for  
15 persons and families of very low, low or moderate income.

16 (3) A dormitory constructed and maintained in connection  
17 with an institution of higher education for the use and  
18 occupancy of students in attendance at the institution.

19 (4) A dwelling unit that has been newly constructed and  
20 issued a certificate of occupancy within the previous 15  
21 years.

22 (5) A single family dwelling unit to which the following  
23 apply:

24 (i) The landlord is not any of the following:

25 (A) A real estate investment trust, as defined  
26 in section 856 of the Internal Revenue Code of 1986  
27 (Public Law 99-514, 26 U.S.C. § 856).

28 (B) A corporation.

29 (C) A limited liability company in which at  
30 least one member is a corporation.

1           (ii) The tenant has been provided written notice  
2 that the dwelling unit is exempt from the requirements of  
3 section 502-C using the following statement:

4           This property is not subject to the rent limits  
5 imposed in section 502-C(a) of Article V-C of the  
6 Landlord and Tenant Act of 1951. The landlord is  
7 not any of the following: (1) a real estate  
8 investment trust; (2) a corporation; or (3) a  
9 limited liability company in which at least one  
10 member is a corporation.

11           (iii) For a tenancy for a single family dwelling  
12 unit in existence prior to the first day of the third  
13 month following the effective date of this subparagraph,  
14 the notice required under subparagraph (ii) is not  
15 required to be provided in the rental agreement.

16           (iv) For a tenancy for a single family dwelling unit  
17 commenced or renewed on or after the first day of the  
18 third month following the effective date of this  
19 subparagraph, the notice required under subparagraph (ii)  
20 must be provided in the rental agreement.

21           (6) A duplex in which the landlord occupies one of the  
22 units as the landlord's principal place of residence at the  
23 beginning of the tenancy.

24           (7) A new tenancy in which no tenant from the prior  
25 tenancy remains in lawful possession of the dwelling unit.

26 Section 504-C. Preemption.

27 The following shall apply:

28           (1) The provisions of this article shall not preempt an  
29 ordinance, rule, regulation or other law regarding rent  
30 control, rent leveling or rent subsidization adopted by the

1 governing body of a municipality that would result in a lower  
2 permitted rent increase on a dwelling unit over the course of  
3 a 12-month period.

4 (2) The provisions of this article shall preempt an  
5 ordinance, rule, regulation or other law regarding rent  
6 control, rent leveling or rent stabilization adopted by the  
7 governing body of a municipality that would result in a  
8 higher permitted rent increase on a dwelling unit over the  
9 course of a 12-month period.

10 Section 505-C. Violations and remedies.

11 (a) Violation.--A violation of this article constitutes an  
12 unlawful practice under the act of December 17, 1968 (P.L.1224,  
13 No.387), known as the Unfair Trade Practices and Consumer  
14 Protection Law, and shall subject the offending landlord to all  
15 remedies and penalties available to an aggrieved consumer under  
16 the act.

17 (b) Termination of lease.--A tenant may petition a court of  
18 competent jurisdiction to terminate a lease containing a  
19 provision in violation of this article.

20 (c) Defense to eviction.--A tenant may assert a violation of  
21 this article as a defense to an eviction action.

22 Section 506-C. Rules and regulations.

23 The secretary is authorized to promulgate rules and  
24 regulations necessary to effectuate the purposes of this  
25 article.

26 Section 507-C. Applicability.

27 This article shall apply to rental contracts and rent  
28 increases implemented on or after January 1, 2023.

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