

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 975** Session of
2015

INTRODUCED BY DEAN, V. BROWN, FREEMAN, MACKENZIE, BROWNLEE,
KOTIK, DAVIS, KINSEY, SCHREIBER, THOMAS, DeLUCA, YOUNGBLOOD,
McNEILL, COHEN, SCHWEYER, O'BRIEN, McCARTER, CALTAGIRONE,
FABRIZIO, W. KELLER, SIMS, KORTZ, SABATINA, ACOSTA, FRANKEL,
GIBBONS, HENNESSEY, TOOHL, EVERETT, MALONEY, O'NEILL,
D. COSTA, DEASY, KIM, J. HARRIS AND WATSON, APRIL 15, 2015

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 13, 2016

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," in recovery of possession, providing for
6 early termination of leases by individuals with disabilities
7 and senior citizens.

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

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

13 Section 514. Early Termination of Leases by Individuals with
14 Disabilities and Senior Citizens.--(a) Notwithstanding any
15 other provision of this act or law, a tenant of a residential
16 unit may terminate the lease prior to the date provided in the
17 lease by providing the landlord of the residential unit with the
18 information specified in subsection (b) if the tenant:

1 (1) has a disability or is a senior citizen; and

2 (2) is either:

3 (i) awaiting admission and subsequently moves to a health- <--

4 care facility LICENSED LONG-TERM CARE SERVICE PROVIDER; or <--

5 (ii) needs to move and subsequently moves to a family

6 member's residence for the express purpose of receiving care

7 from a home health care agency for a period of no less than six

8 months.

9 (b) The following information must be submitted to a

10 landlord:

11 (1) written notice delivered to the landlord IN ACCORDANCE <--

12 WITH THE TERMS OF THE LEASE sixty days prior to the proposed

13 early termination date informing the landlord of the tenant's

14 required admission and move to a health care facility LICENSED <--

15 LONG-TERM CARE SERVICE PROVIDER or need to move to a family

16 member's residence for the express purpose of receiving care

17 from a home health care agency for a period of no less than six

18 months;

19 (2) certified documentation signed by a licensed physician

20 indicating that the tenant, due to medical reasons, is unable to

21 continue to live independently in the residential unit and

22 requires admission to a health care facility LICENSED LONG-TERM <--

23 CARE SERVICE PROVIDER or needs to receive care from a home

24 health care agency for a period of no less than six months; and

25 (3) if applicable, a notarized statement from the tenant's

26 family member attesting to the fact that the tenant is a

27 relative and will be moving into the family member's residence

28 to receive care from a home health care agency for a period of

29 no less than six months.

30 (c) Nothing under this section shall be construed to relieve

1 a tenant to which this section applies of liability for rent or
2 any other ~~debt~~ OBLIGATION incurred under a lease prior to the <--
3 termination date provided in the lease.

4 (d) For the purposes of this section, the following words
5 shall have the meanings ascribed to them in this subsection
6 unless the context otherwise indicates:

7 "ASSISTED LIVING RESIDENCE." AN ASSISTED LIVING RESIDENCE AS <--
8 DEFINED IN SECTION 1001 OF THE ACT OF JUNE 13, 1967 (P.L.31,
9 NO.21), KNOWN AS THE HUMAN SERVICES CODE.

10 "CONTINUING-CARE PROVIDER." A FACILITY LICENSED BY THE
11 INSURANCE DEPARTMENT UNDER THE ACT OF JUNE 18, 1984 (P.L.391,
12 NO.82), KNOWN AS THE CONTINUING-CARE PROVIDER REGISTRATION AND
13 DISCLOSURE ACT.

14 "Disability." A physical or mental impairment that
15 substantially limits one or more major life activities.

16 ~~"Health care facility." Any general, chronic disease or~~ <--
17 ~~other type of hospital, personal care home, home health care~~
18 ~~agency, hospice or long term care nursing facility.~~

19 "HOME HEALTH CARE AGENCY." AS DEFINED IN SECTION 802.1 OF <--
20 THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH
21 CARE FACILITIES ACT:

- 22 (1) A home health care agency.
23 (2) A long-term care nursing facility.
24 (3) A hospice.
25 (4) A home care agency.
26 (5) A home care registry.

27 "LICENSED LONG-TERM CARE SERVICE PROVIDER." THE TERM SHALL
28 INCLUDE:

- 29 (1) AN ASSISTED LIVING RESIDENCE.
30 (2) A CONTINUING-CARE PROVIDER.

1 (3) A LIFE PROGRAM.

2 (4) A LONG-TERM CARE NURSING FACILITY.

3 (5) A PERSONAL CARE HOME.

4 "LIFE PROGRAM." THE PROGRAM OF MEDICAL AND SUPPORTIVE
5 SERVICES KNOWN AS LIVING INDEPENDENTLY FOR ELDERS UNDER 42 CFR
6 PT. 460 (RELATING TO PROGRAMS OF ALL-INCLUSIVE CARE FOR THE
7 ELDERLY (PACE)).

8 "LONG-TERM CARE NURSING FACILITY." AS DEFINED IN SECTION
9 802.1 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE
10 HEALTH CARE FACILITIES ACT.

11 "PERSONAL CARE HOME." AS DEFINED IN SECTION 1001 OF THE ACT
12 OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES
13 CODE.

14 "Senior citizen." Any person who has attained the age of 62
15 years of age or older, or will attain such age during the term
16 of an agreement in which the person is a tenant of a residential
17 unit.

18 Section 2. The provisions of this act shall only apply to
19 leases entered into or extended on or after the effective date
20 of this section.

21 Section 3. This act shall take effect immediately.