
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 860 Session of 2023

INTRODUCED BY SCHWANK, LAUGHLIN, COSTA, SAVAL, VOGEL,
TARTAGLIONE, HAYWOOD, A. WILLIAMS, KEARNEY, DILLON, COMMITTA,
STREET, BREWSTER, CAPPELLETTI, COLLETT, MUTH AND KANE,
JULY 27, 2023

REFERRED TO URBAN AFFAIRS AND HOUSING, JULY 27, 2023

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 creation of leases, statute of frauds
6 and mortgaging of leaseholds, providing for rental
7 applications.

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 207. Rental Applications.--(a) A landlord or the
14 landlord's agent may not charge a rental application fee of more
15 than twenty-five dollars (\$25) to apply to enter into a rental
16 agreement for a residential dwelling unit.

17 (b) A landlord or the landlord's agent may only use a rental
18 application fee to conduct a background check on the applicant.
19 A background check under this subsection shall include a check

1 of the applicant's criminal history record and credit score.

2 (c) A landlord may not implement policies that exclude all
3 individuals with a criminal background and shall consider the
4 following factors which may indicate a demonstrable risk to
5 resident and property safety:

6 (1) The nature and gravity of the offense of the applicant.

7 (2) The duration of time that has elapsed since the
8 conviction of the applicant.

9 (3) The duration of time that has elapsed since the
10 expiration or completion of the applicant's sentence.

11 (d) Nothing in this section shall be construed to prohibit a
12 person from charging a rental application fee to apply to enter
13 into a rental agreement for commercial or nonresidential
14 property.

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