

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 98 Session of 2023

INTRODUCED BY LANGERHOLC, PENNYCUICK, J. WARD, MASTRIANO AND STEFANO, JANUARY 18, 2023

REFERRED TO URBAN AFFAIRS AND HOUSING, JANUARY 18, 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 three members, including the Executive Director of the  
7 Authority, the District Attorney of the county in which the  
8 Authority is located and the President Judge of the county in  
9 which the Authority is located.

10 (b) When an Authority receives a background check in  
11 compliance with Federal law, the Authority shall review the  
12 background check to see if the applicant has any criminal  
13 offenses of the grading of a misdemeanor of the third degree or  
14 higher. If an applicant has such offense on their record and all  
15 other admissions criteria are met, the Authority shall present  
16 all relevant information to the public housing safety committee  
17 for its review.

18 (c) The public housing safety committee shall meet regularly  
19 at the call of the President Judge. The President Judge shall  
20 serve as the presiding officer of all meetings of the public  
21 housing safety committee. All three members of the committee  
22 must be present.

23 (d) The public housing safety committee shall take all  
24 measures necessary to comply with relevant Federal law while  
25 conducting the business of the committee.

26 (e) Prior to reviewing the documentation, the Authority  
27 shall provide the members of the public housing safety committee  
28 with an overview of existing Federal laws and regulations that  
29 the public housing safety committee must follow.

30 (f) The public housing safety committee shall review the

1 documentation provided by the Authority regarding each tenant  
2 with a previous criminal record. The public housing safety  
3 committee shall review each applicant on a case-by-case basis.

4 The public housing safety committee shall:

5 (1) Evaluate:

6 (i) if the previous criminal activity threatens the health,  
7 safety or right to peaceful enjoyment of the premises by other  
8 residents; and

9 (ii) if the previous criminal activity threatens the health,  
10 safety or right to peaceful enjoyment of their residences by  
11 persons residing in the immediate vicinity of the premises.

12 (2) Consider:

13 (i) the severity of the crime committed;

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

15 (iii) the actions of the applicant since committing the  
16 crime;

17 (iv) any other required considerations under existing  
18 Federal law; and

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

25 (g) The public housing safety committee shall vote to inform  
26 the authority if the public housing safety committee determines  
27 that the applicant does not present a threat to the health,  
28 safety or right to peaceful enjoyment of the premises by other  
29 residents or if the previous criminal activity threatens the  
30 health, safety or right to peaceful enjoyment of their

1 residences by persons residing in the immediate vicinity of the  
2 premises. A vote under this subsection must be unanimous.

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

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

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

22 (k) No member of the public housing safety committee may be  
23 liable, in the member's personal or official capacity, for any  
24 action taken as a member of the public housing safety committee.

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

26 Section 13.1. Requirements Regarding Tenants and Landlords  
27 [in Cities of the First Class].--(a) An Authority [of a city of  
28 the first class] shall take such measures as are necessary to  
29 ensure compliance with all requirements imposed on the Authority  
30 by Federal law regarding criminal activity by tenants and

1 prospective tenants, including, but not limited to, all  
2 requirements regarding background checks.

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

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

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

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

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

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

1 the law enforcement agency.

2 (d) The landlord may not share the information provided in  
3 the reports with any other party. Disclosure of information  
4 contained in the reports may result in criminal and civil  
5 penalties pursuant to existing State law.

6 Section 4. Within 90 days of the effective date of this  
7 section, each authority and landlord in the Housing Choice  
8 Voucher Program established under 24 CFR Pt. 982 (relating to  
9 Section 8 tenant-based assistance: Housing Choice Voucher  
10 Program) shall modify all existing documents and procedures  
11 necessary to comply with Federal and State law, including the  
12 provisions of this act.

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

14 (1) The following provisions shall take effect  
15 immediately:

16 (i) Section 4 of this act.

17 (ii) This section.

18 (2) The remainder of this act shall take effect in 90  
19 days.