

LANDLORD AND TENANT ACT OF 1951 - DISPOSITION OF ABANDONED
PERSONAL PROPERTY

Act of Jul. 5, 2012, P.L. 1091, No. 129

Cl. 68

Session of 2012

No. 2012-129

SB 887

AN ACT

Amending the act of April 6, 1951 (P.L.69, No.20), entitled "An act relating to the rights, obligations and liabilities of landlord and tenant and of parties dealing with them and amending, revising, changing and consolidating the law relating thereto," providing for disposition of abandoned personal property.

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

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

Section 505.1. Disposition of Abandoned Personal Property.--

(a) At the time a tenant has relinquished possession of the real property, the tenant shall remove from the premises all items of the tenant's personal property. For the purposes of this section, a tenant shall be deemed to have relinquished possession of the premises upon any of the following:

(1) Execution of an order of possession in favor of the landlord.

(2) If the tenant has physically vacated the premises, removal of substantially all personal property and the providing of a forwarding address or written notice stating that the tenant has vacated the premises.

(b) Upon relinquishment of the premises under subsection (a) and the acceptance of possession of the real property by the landlord, the tenant shall have ten days to contact the landlord regarding the tenant's intent to remove any personal property remaining on the premises. If the intent is conveyed to the landlord, the personal property shall be retained by the landlord at a site of the landlord's choosing for thirty days. If no communication is made to the landlord within ten days, the property may be disposed of at the end of the ten days at the discretion of the landlord.

(c) If personal property remains on the premises following the relinquishment of the premises by the tenant, the following shall apply:

(1) If there is acceptance of the real property by the landlord under subsection (a) (1) and the writ or order of possession contained notice of the provisions under subsection (b), the landlord shall not be required to provide further notice to the tenant.

(2) If there is acceptance of the real property by the landlord under subsection (a) (2) and the lease or lease addendum contains notice of the provisions under subsection (b), the

landlord shall be required to provide written notice to the tenant that personal property remains on the premises and must be retrieved by the tenant. The notice under this paragraph shall give the tenant ten days from the date of postmark of the notice to notify the landlord that the tenant will be retrieving the personal property. If the intent is conveyed to the landlord, the personal property shall be retained by the landlord at a site of the landlord's choosing for thirty days from the date of postmark of the notice. If no communication is made to the landlord within ten days, the property may be disposed of at the end of the ten days at the discretion of the landlord. The notice shall also include a telephone number and address where the landlord can be contacted and shall identify the location where such property can be retrieved. The notice shall be:

(i) sent by regular mail to the tenant's forwarding address, if provided, or, if no forwarding address is provided, then to the formerly leased premises; or

(ii) by personal delivery to the tenant.

(3) If the lease or lease addendum does not contain notice of the provisions under subsection (b), the landlord, in addition to complying with the requirements of paragraph (2), shall send notice to any emergency contact that may have been provided by the tenant in a lease agreement.

(4) Any notice required under this subsection shall also contain information that the tenant shall be required to pay costs related to the removal or storage of property retrieved by the tenant after ten days under subsection (f).

(d) At all times between the acceptance of the premises by the landlord and the expiration of the ten- or thirty-day periods, the landlord shall exercise ordinary care with regard to any personal property that the former tenant has left in or on the real property.

(e) After the appropriate time period under subsection (d) has expired, the landlord shall have no further responsibility to the former tenant with regard to the personal property and may, in the landlord's discretion, dispose of the property. If the personal property is sold and proceeds exceed any outstanding obligations owed to the landlord, the proceeds shall be forwarded to the tenant by certified mail. If no forwarding address has been provided to the landlord by the former tenant, the landlord shall hold the proceeds for thirty days and, if unclaimed, may retain the proceeds.

(f) If the landlord has issued the notice to the tenant under subsection (c), the landlord may choose to store the tenant's personal property at another location within reasonable proximity to the leased premises. If the landlord elects to have the property stored at another location, the landlord may remove the property from the premises by any means reasonably calculated to safeguard the property for the time period required under this section. A tenant shall not be required to pay any costs related to the removal or storage of the property by the landlord if the former tenant retrieves the personal property within ten days of the date of postmark of the notice. If the former tenant retrieves the personal property after ten days of the date of the postmark of notice but before thirty days, the tenant shall be required to pay any reasonable and actual costs related to the removal or storage of the property by the landlord for that time period.

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

Personal Property. LANDLORD MAY DISPOSE OF TENANT'S PERSONAL PROPERTY IF TENANT DOES NOT ACT AFTER LEAVING THE APARTMENT.

After Tenant leaves the apartment, Tenant must notify Landlord within ten days from the postmark date of written notice from Landlord (or ten days from notice in the eviction papers) that Tenant intends to remove Tenant's personal property from the apartment. The notice to Landlord must be in writing and personally delivered to Landlord's office or mailed by certified mail to Landlord according to paragraph [] of the Lease.

Tenant, having given Landlord proper notice of Tenant's intent, may remove all of Tenant's personal property without charge for removal and storage within ten days of the postmark of written notice from Landlord (or ten days from notice in the eviction papers). Tenant shall pay the Landlord's costs of removal and storage of Tenant's property if Tenant does not remove the personal property within ten days of the postmark of written notice from Landlord (or ten days from notice in the eviction papers). Tenant shall remove personal property only during normal business hours, Monday through Friday; and may be required by Landlord to remove the personal property in a particular order.

Landlord may sell or dispose of Tenant's personal property at Tenant's cost if: (1) Tenant does not provide Landlord with proper written notice of Tenant's intent to remove Tenant's property within ten days of notice from Landlord (or ten days from notice in the eviction papers); or (2) Tenant does not remove the property within thirty days after giving Landlord proper written notice.

Tenant's obligation under the Lease to insure Tenant's personal property continues until Tenant removes the personal property or the personal property is disposed of by Landlord.

**ABANDONED PERSONAL PROPERTY
SAMPLE LEASE CLAUSE**

In accordance with Section 505.1(b) of the Pennsylvania Landlord and Tenant Act, upon your relinquishment of possession and the acceptance of possession of the real property by us, you shall have ten days to contact us regarding your intent to remove any personal property remaining on the premises. If the intent is conveyed to us, the personal property shall be retained by us at a site of our choosing for thirty days. If no communication is made to us within ten days, the property may be disposed of at the end of the ten days, at our discretion.

Notice: You shall be required to pay all costs related to the removal or storage of property retrieved by you after ten days. If notice is given to us and the property is not removed by you within thirty days, it may be disposed of at our discretion.

ABANDONED PERSONAL PROPERTY

SAMPLE NOTICE

In accordance with Section 505.1(b) of the Pennsylvania Landlord and Tenant Act, you have ten days to contact us regarding your intent to remove any personal property remaining on the premises. If the intent is conveyed to us, the personal property shall be retained by us at a site of our choosing for thirty days. If no communication is made to us within ten days, the property may be disposed of at the end of the ten days, at our discretion.

You may contact us at:

Address

Telephone No.

Your property can be retrieved at the following location:

Address

Notice: You shall be required to pay all costs related to the removal or storage of property retrieved by you after ten days. If notice is given to us and the property is not removed by you within thirty days, it may be disposed of at our discretion.

{When preparing this notice note:

If the notice under Section 505.1(b) of the Landlord and Tenant Act is contained in the Lease, you can send this notice by:

- 1. Regular mail to the tenant's forwarding address, if provided, or if no forwarding address is provided, to the formerly leased premises; or*
- 2. Personal delivery.*

If no notice under Section 505.1(b) of the Landlord and Tenant Act is contained in the Lease, you also need to send this notice to any Emergency contact that may have been provided by the tenant in the lease agreement.}