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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1714 Session of  
2013

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INTRODUCED BY PETRI, FARRY, GINGRICH, HELM, MILLARD AND ROCK,  
SEPTEMBER 26, 2013

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 7, 2014

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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," further providing for disposition of  
6 abandoned personal property.

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

9 Section 1. Section 505.1 of the act of April 6, 1951  
10 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951,  
11 added July 5, 2012 (P.L.1091, No.129), is amended to read:

12 Section 505.1. Disposition of Abandoned Personal  
13 Property.--(a) [At the time a tenant has relinquished  
14 possession of the real property, the tenant shall remove from  
15 the premises all items of the tenant's personal property. For  
16 the purposes of this section, a tenant shall be deemed to have  
17 relinquished possession of the premises upon any of the  
18 following:

19 (1) Execution of an order of possession in favor of the

1 landlord.

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

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

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

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

24 (2) If there is acceptance of the real property by the  
25 landlord under subsection (a)(2) and the lease or lease addendum  
26 contains notice of the provisions under subsection (b), the  
27 landlord shall be required to provide written notice to the  
28 tenant that personal property remains on the premises and must  
29 be retrieved by the tenant. The notice under this paragraph  
30 shall give the tenant ten days from the date of postmark of the

1 notice to notify the landlord that the tenant will be retrieving  
2 the personal property. If the intent is conveyed to the  
3 landlord, the personal property shall be retained by the  
4 landlord at a site of the landlord's choosing for thirty days  
5 from the date of postmark of the notice. If no communication is  
6 made to the landlord within ten days, the property may be  
7 disposed of at the end of the ten days at the discretion of the  
8 landlord. The notice shall also include a telephone number and  
9 address where the landlord can be contacted and shall identify  
10 the location where such property can be retrieved. The notice  
11 shall be:

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

15 (ii) by personal delivery to the tenant.

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

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

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

30 (e) After the appropriate time period under subsection (d)

1 has expired, the landlord shall have no further responsibility  
2 to the former tenant with regard to the personal property and  
3 may, in the landlord's discretion, dispose of the property. If  
4 the personal property is sold and proceeds exceed any  
5 outstanding obligations owed to the landlord, the proceeds shall  
6 be forwarded to the tenant by certified mail. If no forwarding  
7 address has been provided to the landlord by the former tenant,  
8 the landlord shall hold the proceeds for thirty days and, if  
9 unclaimed, may retain the proceeds.

10 (f) If the landlord has issued the notice to the tenant  
11 under subsection (c), the landlord may choose to store the  
12 tenant's personal property at another location within reasonable  
13 proximity to the leased premises. If the landlord elects to have  
14 the property stored at another location, the landlord may remove  
15 the property from the premises by any means reasonably  
16 calculated to safeguard the property for the time period  
17 required under this section. A tenant shall not be required to  
18 pay any costs related to the removal or storage of the property  
19 by the landlord if the former tenant retrieves the personal  
20 property within ten days of the date of postmark of the notice.  
21 If the former tenant retrieves the personal property after ten  
22 days of the date of the postmark of notice but before thirty  
23 days, the tenant shall be required to pay any reasonable and  
24 actual costs related to the removal or storage of the property  
25 by the landlord for that time period.] Upon the termination of a  
26 lease or relinquishment of possession of real property, a tenant  
27 shall remove all personal property from the leased or formerly  
28 leased premises. Abandoned personal property remaining on the  
29 premises may be disposed of at the discretion of the landlord,  
30 subject to the provisions of this section.

1 (b) Personal property remaining on the premises may be  
2 deemed abandoned if any of the following apply:

3 (1) The tenant has vacated the unit following the  
4 termination of a written lease.

5 (2) An eviction order or order for possession in favor of  
6 the landlord has been entered and the tenant has vacated the  
7 unit and removed substantially all personal property.

8 (3) An eviction order or order for possession in favor of  
9 the landlord has been executed.

10 (4) The tenant has provided the landlord with written notice  
11 of a forwarding address and has vacated the unit and removed  
12 substantially all personal property.

13 (5) The tenant has vacated the unit without communicating an  
14 intent to return, the rent is more than fifteen days past due  
15 and, subsequent to those events, the landlord has posted notice  
16 of the tenant's rights regarding the property.

17 ~~(c) If a tenant is deceased, the personal representative of <--~~  
18 ~~the estate shall succeed to the rights and obligations of the~~  
19 ~~tenant, and the landlord may advise the personal representative~~  
20 ~~thereof, in accordance with subsections (d) and (e), if more~~  
21 ~~than fourteen days have passed since the issuance of a death~~  
22 ~~certificate and the rent is at least fifteen days past due. If~~  
23 ~~the landlord has not been contacted by a personal representative~~  
24 ~~and has no reason to know who the personal representative is,~~  
25 ~~the landlord shall make reasonable attempts to find and notify a~~  
26 ~~personal representative, and shall mail the notice to the~~  
27 ~~address of the leased premises and to any emergency contact or~~  
28 ~~other person known to the landlord.~~

29 (C) WHERE THE TENANT IS DECEASED AND LEAVES PERSONAL <--  
30 PROPERTY REMAINING IN THE DEMISED PREMISES, THE PROVISIONS OF

1 THIS ACT SHALL NOT APPLY. THE DISPOSITION OF PERSONAL PROPERTY  
2 IN THE CASE OF A DECEDENT SHALL BE GOVERNED BY THE PROVISIONS OF  
3 20 PA.C.S. §§ 711(1) (RELATING TO MANDATORY EXERCISE OF  
4 JURISDICTION THROUGH ORPHANS' COURT DIVISION IN GENERAL) AND  
5 3392 (RELATING TO CLASSIFICATION AND ORDER OF PAYMENT) AND OTHER  
6 RELEVANT PROVISIONS OF TITLE 20 OF THE PENNSYLVANIA CONSOLIDATED  
7 STATUTES (RELATING TO DECEDENTS, ESTATES AND FIDUCIARIES).

8 (d) Prior to removing or disposing of abandoned property,  
9 the landlord must provide written notice of the tenant's rights  
10 regarding the property. The tenant shall have ten days from the  
11 postmark date of the notice to retrieve the property or to  
12 request that the property be stored for an additional period not  
13 exceeding thirty days from the date of the notice. If the tenant  
14 so requests, the landlord must retain or store the property for  
15 up to thirty days from the date of the notice. Storage will be  
16 provided at a place of the landlord's choosing and the tenant  
17 shall be responsible for costs. At all times, the landlord shall  
18 exercise ordinary care in handling and securing the tenant's  
19 property and shall make the property reasonably available for  
20 purposes of retrieval.

21 (e) Notice shall be sent by first class mail to the tenant  
22 at the address of the leased premises and to any forwarding  
23 address provided by the tenant, including any address provided  
24 for emergency purposes. The notice shall be in substantially the  
25 following form:

26 "Personal property remaining at (address) is now considered  
27 to have been abandoned. Within ten days of the postmark date  
28 of this notice, you must retrieve any items you wish to keep  
29 or contact your landlord at (telephone number and address) to  
30 request that the property be retained or stored. If

1 requested, storage will be provided for up to thirty days  
2 from the postmark date of this notice at a place of your  
3 landlord's choosing, and you will be responsible for costs of  
4 storage."

5 (f) Under no circumstances may a landlord dispose of or  
6 otherwise exercise control over personal property remaining upon  
7 inhabited premises without the express permission of the tenant.  
8 If the conditions under which personal property may be deemed  
9 abandoned no longer exist, the landlord shall have no right to  
10 dispose of or otherwise exercise control over the property.

11 (g) Except with respect to the provisions of subsection (h),  
12 in the event of a conflict between the provisions of this  
13 section and the terms of a written lease, the terms of the lease  
14 shall control.

15 (h) Notwithstanding any provision of this section to the  
16 contrary, if a landlord proceeding under the provisions of  
17 subsection (b) (3) has actual knowledge or is notified of a  
18 protection from abuse order entered for the protection of the  
19 tenant or a member of the tenant's immediate family, the  
20 landlord shall refrain from disposing of or otherwise exercising  
21 control over the personal property of the tenant for 30 days  
22 from the date of the notice. If requested, storage shall be  
23 provided for up to 30 days from the date of the request.

24 (I) A LANDLORD THAT VIOLATES THE PROVISIONS OF THIS SECTION <--  
25 SHALL BE SUBJECT TO TREBLE DAMAGES, REASONABLE ATTORNEY FEES AND  
26 COURT COSTS.

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