

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1714 Session of  
2013

INTRODUCED BY PETRI, M. DALEY, FARRY, GINGRICH, HELM, MCGEEHAN,  
MILLARD AND ROCK, SEPTEMBER 26, 2013

REFERRED TO COMMITTEE ON URBAN AFFAIRS, SEPTEMBER 26, 2013

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  
20 landlord.

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

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

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

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

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

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

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

14 (ii) by personal delivery to the tenant.

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

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

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

29 (e) After the appropriate time period under subsection (d)  
30 has expired, the landlord shall have no further responsibility

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

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

30 (b) Personal property remaining on the premises may be

1 deemed abandoned if any of the following apply:

2 (1) It remains upon the premises following the termination  
3 of a written lease or the execution of an eviction order or  
4 order for possession in favor of the landlord.

5 (2) The tenant has physically vacated the premises and  
6 removed substantially all other personal property upon:

7 (i) written notice indicating that the tenant has  
8 relinquished possession;

9 (ii) provision or confirmation of a forwarding address; or

10 (iii) entry of an order for possession in favor of the  
11 landlord.

12 (3) The tenant has physically vacated the premises, the rent  
13 is more than fifteen days past due, and the landlord has posted  
14 notice of the tenant's rights regarding the property.

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

27 (d) Prior to removing or disposing of abandoned property,  
28 the landlord must provide notice in substantially the following  
29 form:

30 "Personal property remaining at (address) is now considered

1 to have been abandoned. Within ten days of the postmark date  
2 of this notice, you must retrieve any items you wish to keep  
3 or contact your landlord at (telephone number and address) to  
4 make other suitable arrangements. You have the right to  
5 request that the property be retained or stored for a period  
6 not exceeding 30 days. Storage will be provided at a place of  
7 your landlord's choosing and you will be responsible for  
8 costs."

9 The notice shall be sent by first class mail to the tenant at  
10 the address of the leased premises and to any forwarding address  
11 provided by the tenant, including any address provided for  
12 emergency purposes.

13 (e) At all times, the landlord shall exercise ordinary care  
14 in handling and securing the tenant's property, and the landlord  
15 and tenant shall be held to a standard of good faith and fair  
16 dealing. If the tenant requests that the property be retained or  
17 stored, the landlord shall make the property reasonably  
18 available to the tenant for purposes of retrieval. If the tenant  
19 does not request storage or make other arrangements for  
20 retrieving the property within ten days of the postmark date of  
21 the notice, the landlord shall have no further responsibility to  
22 the tenant with regard to the property. Under no circumstance  
23 may a landlord dispose of or otherwise exercise control over  
24 personal property remaining upon inhabited premises without the  
25 express permission of the tenant.

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