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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2834 Session of  
2020

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INTRODUCED BY INNAMORATO, GALLOWAY, HILL-EVANS, CALTAGIRONE,  
KULIK, KINSEY, RABB, McCLINTON, D. MILLER, DELLOSO, DRISCOLL,  
GREEN, T. DAVIS, SANCHEZ, ROZZI, HOHENSTEIN, KENYATTA AND  
WILLIAMS, AUGUST 31, 2020

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, AUGUST 31, 2020

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in COVID-19 disaster emergency,  
3 providing for prohibitions relating to reporting of  
4 nonpayments or delinquent rent payments.

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

7 Section 1. Chapter 57 of Title 35 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER F

10 PROHIBITIONS RELATING TO REPORTING OF

11 NONPAYMENTS OR DELINQUENT RENT PAYMENTS

12 Sec.

13 5751. Definitions.

14 5752. Reporting prohibited.

15 5753. Limitations and exceptions.

16 5754. Expiration.

17 § 5751. Definitions.

18 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Consumer reporting agency." A person that, for monetary  
4 fees, dues or on a cooperative basis, regularly engages in the  
5 practice of assembling or evaluating consumer credit information  
6 or other information on consumers for the purpose of furnishing  
7 consumer reports to third parties.

8 "Disaster emergency." The proclamation of disaster emergency  
9 issued by the Governor on March 6, 2020, published at 50 Pa.B.  
10 1644 (March 21, 2020), and any renewal of the state of disaster  
11 emergency.

12 § 5752. Reporting prohibited.

13 A landlord may not report to a consumer reporting agency  
14 nonpayments of rent or delinquent rent payments recorded against  
15 a residential tenant during the COVID-19 disaster emergency.

16 § 5753. Limitations and exceptions.

17 (a) Limitations.--The following apply:

18 (1) The provisions of this subchapter do not relieve the  
19 obligation of a tenant to pay rent or the obligations of  
20 landlords and tenants to comply with any other conditions of  
21 tenancy.

22 (2) The provisions of this subchapter do not preclude:

23 (i) any of the following based on grounds other than  
24 nonpayment of rent, fees, interest or other monetary  
25 obligations, nonpayment of utilities or other failure of  
26 the tenant to perform any other obligation requiring  
27 payment or expenditure of money by the tenant:

28 (A) tenancy terminations;

29 (B) actions for possession;

30 (C) unlawful holdover; or

1                    (D) refusals to renew or extend the terms of a  
2                    tenancy.

3                    (ii) eviction based on:

4                    (A) damage or destruction to the premises;

5                    (B) criminal activity on the premises; or

6                    (C) a threat to the health and safety of the  
7                    public.

8                    (3) A default judgment may not be entered against a  
9                    defendant in an action for termination, possession, unlawful  
10                   holdover or rent for the duration of the disaster emergency.

11                   (4) A landlord may not seek or collect treble damages  
12                   based on the failure of a tenant or authorized guest to  
13                   vacate the premises for the duration of the disaster  
14                   emergency.

15                   (b) Exceptions.--The limitations under subsection (a) do not  
16                   apply in the following circumstances:

17                   (1) An eviction action, including, but not limited to, a  
18                   request, motion, filing or action taken or made after the  
19                   tenant is no longer in possession and no longer occupies the  
20                   dwelling unit.

21                   (2) Property rented for commercial business use.

22                   (3) Eviction under subsection (a) (2) (ii) (C) if the  
23                   threat to the health and safety of the public is that a  
24                   tenant or authorized guest could potentially transmit COVID-  
25                   19.

26                   § 5754. Expiration.

27                   The provisions of this subchapter shall expire six months  
28                   after the termination or expiration of the disaster emergency.

29                   Section 2. This act shall take effect immediately.