THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 972   Session of 2017

INTRODUCED BY McGARRIGLE, DECEMBER 6, 2017

REFERRED TO URBAN AFFAIRS AND HOUSING, DECEMBER 6, 2017

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," in tenement buildings and multiple
6   dwelling premises, providing for utility service foreign
7   load.

8   The General Assembly of the Commonwealth of Pennsylvania

9 hereby enacts as follows:

10   Section 1. The act of April 6, 1951 (P.L.69, No.20), known

11 as The Landlord and Tenant Act of 1951, is amended by adding a

12 section to read:

13   Section 506-A. Utility service foreign load.--(a) A

14 landlord and tenant may agree, in a lease or by separate written

15 agreement, at the same time a lease agreement is entered into,

16 that the tenant will be responsible for payment of amounts

17 related to foreign load on a utility account in the tenant's

18 name in exchange for consideration. Any lease or contract

19 containing a provision obligating a tenant to be responsible for

20 foreign load registering on a utility account in the tenant's

21 name must:

1   (1) Contain a description of the consideration provided to

2 the tenant by the landlord.

3   (2) Contain the full signature of the tenant and the

4 landlord, notwithstanding any signatures required elsewhere in

5 the lease or contract.

6   (3) Contain a provision obligating the landlord to notify

7 the applicable utility that, in the event of termination of

8 service for nonpayment by the tenant or if service to the

9 tenant's account is to be discontinued for any reason, the

10 utility account shall be placed in the landlord's name to ensure

11 continued service and operability of the appliances causing the

12 foreign load.

13   (4) Contain a clause notifying the tenant that disputes

14 regarding the lease or contract or the type of foreign load

15 whose usage the tenant has agreed to be responsible for paying

16 shall be resolved through a local court of competent

17 jurisdiction.

18   (b) This section shall be applicable:

19   (1) To apartment buildings, tenement buildings and multiple

20 dwelling premises containing more than one but not exceeding six

21 individual apartments or dwelling units and mobile home parks

22 containing up to seventy units.

23   (2) To leases entered into or renewed after the effective

24 date of this section.

25   (c) (1) For the purposes of this section "foreign load"

26 means utility usage on an account in the name of a tenant that

27 is not exclusive to that tenant's apartment or dwelling unit and

28 limited to the following:

29   (i) Outside lighting provided by the landlord and used by

30 one or more tenants to safely enter and exit the apartment

1 building, tenement building or multiple dwelling premises.

2   (ii) Hallway and stairway lighting inside a building used by

3 one or more tenants to safely navigate the apartment building,

4 tenement building or multiple dwelling premises.

5   (iii) A well pump or septic pump used to provide safe,

6 sanitary water or sewer service to one or more tenants.

7   (iv) A washing machine or clothes dryer used by one or more

8 tenants.

9   (v) Electrical outlets located in a hallway or other common

10 area.

11   (vi) Any other device, appliance or usage agreed to by the

12 tenant and property owner in a document that meets the

13 requirements of subsection (a).

14   (2) For the purposes of this section "utility" shall mean

15 electric, natural gas, water or wastewater service.

16   (3) For the purposes of this section "consideration" shall

17 mean a rent reduction, a reduction in the frequency of rent

18 payments, unpaid use of a paid parking space or parking garage,

19 the provision or use of appliances that are not otherwise

20 included as part of a lease and any other benefit provided to a

21 tenant.

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