

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **887** Session of
2011

INTRODUCED BY BROWNE, FONTANA, RAFFERTY, EARLL, SOLOBAY,
TARTAGLIONE, ALLOWAY, WILLIAMS, GREENLEAF, BOSCOLA, BREWSTER,
WOZNIAK AND ARGALL, MARCH 23, 2011

REFERRED TO URBAN AFFAIRS AND HOUSING, MARCH 23, 2011

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 the 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.