

Act 129-2012

signed by Gov 7/5/12

PRINTER'S NO. 903

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

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," providing for disposition of abandoned  
6 personal property.

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

9 Section 1. The act of April 6, 1951 (P.L.69, No.20), known  
10 as The Landlord and Tenant Act of 1951, is amended by adding a  
11 section to read:

12 Section 505.1. Disposition of Abandoned Personal Property.--

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

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

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