

Section 2. Section 1 of the act amended August 11, 1967 (P. L. 204) is amended to read:

Section 1. Notwithstanding any other provision of law, or of any agreement, whether oral or in writing, whenever the Department of Licenses and Inspections of any city of the first class, or the Department of Public Safety of any city of the second class [or], second class A, or third class as the case may be, or any Public Health Department of any such city, or of the county in which such city is located, certifies a dwelling as unfit for human habitation, the duty of any tenant of such dwelling to pay, and the right of the landlord to collect rent shall be suspended without affecting any other terms or conditions of the landlord-tenant relationship, until the dwelling is certified as fit for human habitation or until the tenancy is terminated for any reason other than nonpayment of rent. During any period when the duty to pay rent is suspended, and the tenant continues to occupy the dwelling, the rent withheld shall be deposited by the tenant in an escrow account <sup>1</sup> in a bank or trust company approved by the city or county as the case may be and shall be paid to the landlord

when the dwelling is certified as fit for human habitation at any time within six months from the date on which the dwelling was certified as unfit for human habitation. If, at the end of six months after the certification of a dwelling as unfit for human habitation, such dwelling has not been certified as fit for human habitation, any moneys deposited in escrow on account of continued occupancy shall be payable to the depositor, except that any funds deposited in escrow may be used, for the <sup>2</sup> purpose of making such dwelling fit for human habitation and for the payment of utility services for which the landlord is obligated but which he refuses or is unable to pay. No tenant shall be evicted for any reason whatsoever while rent is deposited in escrow.

Section 3. This act shall take effect immediately.

APPROVED—The 11th day of June, A. D. 1968.

RAYMOND P. SHAFER

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No. 90  
AN ACT

HB 2310

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing disabled employees to retire after ten years of service under certain conditions and providing for certain installment payments.

<sup>1</sup> "and" in original.

<sup>2</sup> "puropse" in original.

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

Section 1. The first paragraph of section 4343, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662), and amended May 9, 1961 (P. L. 178), is amended to read:

Section 4343. Retirement Allowance; Proof of Disability; Joint and Single Coverage Members Defined.—During the lifetime of any person in the employment of any city creating such pension fund and pension board as hereinbefore provided, he or she shall be entitled to receive as a pension annually, from the fund set aside for the purpose, fifty per centum of the amount which would constitute the average annual salary or wages which he or she received during the last or any five years of his or her employment by the said city, whichever is the higher, said pension to be paid in semi-monthly payments. Should any persons so employed, after twenty years of service, be dismissed, voluntarily retired, or be in any manner deprived of his or her position or employment, before attaining the age of sixty years, upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, said person shall be entitled to the pension above-mentioned, notwithstanding he or she has not attained the age of sixty years at the time of his or her separation from the service of such city, but said pension shall not commence until he or she has attained the age of sixty years. Should any employe, however, become totally and permanently disabled, after [twenty] ten years of service and before attaining the age of sixty years, he or she shall be entitled to the said pension. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the employe is in a permanent condition of health which would permanently disable him or her from performing the duties of his or her position or office.

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Section 2. Section 4343.1 of the act, added July 31, 1963 (P. L. 401), is amended to read:

Section 4343.1. Retirement Allowances; Full Coverage; Payments.—Where a city has entered into an agreement with the Commonwealth to place certain employes under the Federal Social Security Act, the pension board may authorize any joint coverage member of the retirement system to elect according to the provisions of this section to receive compensation without the reduction provided for in section 4343, provided he shall make a lump-sum payment to the pension board, or installment payments as may be approved by the board, equal to the difference between the amount of the accumulated fund to his credit in the fund as of the last date for which salary or wages was paid and the amount which would have been to his credit

in such fund if contributions had been made on that portion of his salary or wages on which social security allowances are payable, at the same rate as made on that portion of his salary or wages in excess thereof, from the time that such salary or wages became subject to social security coverage. Such election shall be made, in writing, in the form prescribed by the pension board, and shall be accompanied by the lump-sum payment or an agreement as to installment payments herein required.

The pension board may authorize any such member to make the election herein provided at any time, and if made prior to retirement, such member shall, in addition to any lump-sum or installment payments required, pay to the board contributions on his entire salary or wages thereafter received at the rate provided in this act for monthly salary or wages in excess of that on which social security allowances are payable.

Section 3. This act shall take effect immediately.

APPROVED—The 11th day of June, A. D. 1968.

RAYMOND P. SHAFER

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No. 91

AN ACT

SB 358

Amending the act of June 3, 1937 (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for an increase in the amount which may annually be paid for bear damage.

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

Section 1. Section 1304, act of June 3, 1937 (P. L. 1225), known as "The Game Law," amended May 15, 1945 (P. L. 518), is amended to read:

Section 1304. Amount Available for Bear Damages.—Not to exceed [five thousand dollars (\$5,000)] seven thousand five hundred dollars (\$7,500) annually may be expended by the commission from the Game Fund for the payment of such <sup>1</sup> bear damage protection, or bear damage claims, filed and adjusted in accordance with the provisions of this article.

APPROVED—The 11th day of June, A. D. 1968.

RAYMOND P. SHAFER

<sup>1</sup> "of such" repeated in original.