

No. 2014-200

AN ACT

HB 1796

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in preemptions, providing for protection for victims of abuse or crime.

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

Section 1. Title 53 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 304. Protection for victims of abuse or crime.

(a) Declaration of policy.—The General Assembly finds and declares as follows:

(1) It is the public policy of the Commonwealth to ensure that all victims of abuse and crime and individuals in an emergency are able to contact police or emergency assistance without penalty.

(2) This section is intended to shield residents, tenants and landlords from penalties that may be levied pursuant to enforcement of an ordinance or regulation if police or emergency services respond to a residence or tenancy to assist a victim of abuse or crime or individuals in an emergency.

(3) This section is not intended to prohibit municipalities from enforcing an ordinance or regulation against a resident, tenant or landlord where police or emergency services respond to a residence or tenancy that does not involve assistance to a victim of abuse or crime or individuals in an emergency.

(b) Protection.—No ordinance enacted by a municipality shall penalize a resident, tenant or landlord for a contact made for police or emergency assistance by or on behalf of a victim of abuse as defined in 23 Pa.C.S. § 6102 (relating to definitions), a victim of a crime pursuant to 18 Pa.C.S. (relating to crimes and offenses) or an individual in an emergency pursuant to 35 Pa.C.S. § 8103 (relating to definitions), if the contact was made based upon the reasonable belief of the person making the contact that intervention or emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime or emergency or if the intervention or emergency assistance was actually needed in response to the abuse, crime or emergency.

(c) Remedies.—If a municipality enforces or attempts to enforce an ordinance against a resident, tenant or landlord in violation of subsection (b), the resident, tenant or landlord may bring a civil action for a violation of this section and seek an order from a court of competent jurisdiction for any of the following remedies:

(1) An order requiring the municipality to cease and desist the unlawful practice.

(2) Payment of compensatory damages, provided that a resident, tenant or landlord shall make a reasonable effort to mitigate any damages.

(3) Payment of reasonable attorney fees.

(4) Payment of court costs.

(5) Other equitable relief, including, but not limited to, reinstating a rental license or rental permit, as the court may deem appropriate.

(d) Preemption.—This section preempts any local ordinance or regulation insofar as it is inconsistent with this section, irrespective of the effective date of the ordinance or regulation. This section shall not affect or apply to enforcement of the act of October 11, 1995 (1st Sp.Sess., P.L.1066, No.23), known as the Expedited Eviction of Drug Traffickers Act, or to the enforcement of 18 Pa.C.S. § 7511 (relating to control of alarm devices and automatic dialing devices).

(e) Definition.—As used in this section, the term "penalize" includes the actual or threatened revocation, suspension or nonrenewal of a rental license, the actual or threatened assessment of fines or the actual or threatened eviction, or causing the actual or threatened eviction, from leased premises.

Section 2. This act shall take effect in 90 days.

APPROVED—The 31st day of October, A.D. 2014

TOM CORBETT