

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1492 Session of
2025

INTRODUCED BY SIEGEL, WAXMAN, KHAN, HILL-EVANS, POWELL, RIVERA,
McNEILL, M. JONES, CEPHAS, CEPEDA-FREYTIZ, SANCHEZ, SCHWEYER,
WEBSTER AND K. HARRIS, MAY 19, 2025

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 29, 2025

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 use of criminal records to
6 screen tenants; imposing duties on the Pennsylvania Human
7 Relations Commission; and imposing penalties.

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 an
12 article to read:

ARTICLE II-AUSE OF CRIMINAL RECORDS TO SCREEN TENANTS

15 Section 201-A. Definitions.

16 The following words and phrases when used in this article
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Applicant." An individual who is considered, or requests to

1 be considered, for tenancy within a rental dwelling unit.

2 "Commission." The Pennsylvania Human Relations Commission.

3 "Criminal record." Information about an individual collected
4 by criminal justice agencies consisting of identifiable
5 descriptions and notations of arrests, detentions, indictments,
6 criminal complaints or other formal criminal charges, and any
7 disposition arising therefrom, including acquittal, sentencing,
8 correctional supervision, release or conviction, including:

9 (1) A sentence arising from a verdict or plea of guilty
10 or nolo contendere.

11 (2) A sentence of incarceration.

12 (3) A suspended sentence.

13 (4) A sentence of probation.

14 (5) A sentence of conditional discharge.

15 "Housing provider." Any of the following:

16 (1) A landlord, owner, lessor, sublessor or assignee or
17 an agent of the landlord, owner, lessor, sublessor or
18 assignee.

19 (2) Any other person receiving or entitled to receive
20 rents or benefits for the use or occupancy of a rental
21 dwelling unit.

22 "Nondiscriminatory." Not discriminating against an applicant
23 based on actual or perceived race, color, religious creed,
24 ancestry, age, sex, national origin, non-job-related handicap or
25 disability or the use of a guide or support animal because of
26 the blindness, deafness or physical handicap of the user.

27 "Rental dwelling unit." A dwelling unit offered for rent by
28 a housing provider for residential purposes, other than a
29 dwelling unit in an owner-occupied premises of not more than
30 four dwelling units.

1 Section 202-A. Consideration of criminal records.

2 (a) Permissible considerations.--

3 (1) Except as provided in subsection (b), a housing
4 provider may consider the criminal record of an applicant
5 that involves a ~~conviction~~ SENTENCE ENFORCED under 18 Pa.C.S. <--
6 § 7508 (relating to drug trafficking sentencing and
7 penalties) resulting in a prison sentence if the prison
8 sentence concluded within the seven years immediately
9 preceding the consideration of a housing application by the
10 applicant.

11 (2) Except as provided in subsection (b), nothing in
12 this section shall be construed to limit a housing provider's
13 ability to consider other material factors in accordance with
14 Federal or State law, including criminal records where the
15 landlord has a substantial, legitimate and nondiscriminatory
16 interest, such as convictions involving violent crimes,
17 significant property damage or sexual offenses.

18 (b) Prohibited considerations.--A housing provider may not
19 consider any of the following in the criminal record of an
20 applicant regarding a criminal offense under 18 Pa.C.S. § 7508:

21 (1) An arrest or charge that did not result in a
22 criminal conviction.

23 (2) An expunged conviction.

24 (3) A conviction for which an executive pardon has been
25 granted.

26 (4) A conviction that has been vacated or otherwise
27 legally nullified.

28 (5) An adjudication of juvenile delinquency.

29 (6) A record that has been sealed.

30 Section 203-A. Assessment.

1 A housing provider shall perform an individualized assessment
2 of a housing application by an applicant in light of the
3 following factors regarding a criminal offense under 18 Pa.C.S.
4 § 7508 (relating to drug trafficking sentencing and penalties)
5 contained in the criminal record of the applicant:

6 (1) The nature and severity of the criminal offense.

7 (2) The age of the applicant at the time of the
8 occurrence of the criminal offense.

9 (3) The time that has elapsed since the occurrence of
10 the criminal offense.

11 (4) Any information provided by the applicant, or on
12 behalf of the applicant, regarding the applicant's
13 rehabilitation and good conduct since the occurrence of the
14 criminal offense.

15 (5) The degree to which the criminal offense, if it
16 reoccurred, would negatively impact the safety of the housing
17 provider's other tenants or property.

18 (6) Whether the criminal offense occurred on, or was
19 connected to, property that was rented or leased by the
20 applicant.

21 Section 204-A. Evidence by applicant.

22 An applicant may provide to a housing provider evidence of:

23 (1) any inaccuracy within the criminal record of the
24 applicant regarding an offense under 18 Pa.C.S. § 7508
25 (relating to drug trafficking sentencing and penalties); or

26 (2) rehabilitation or other mitigating factors regarding
27 the criminal record of the applicant regarding an offense
28 under 18 Pa.C.S. § 7508.

29 Section 205-A. Standards.

30 A housing provider shall apply the standards established

1 under sections 202-A, 203-A and 204-A to each applicant in a
2 nondiscriminatory manner.

3 Section 206-A. Withdrawal of offer.

4 (a) Permissible purpose.--A housing provider may withdraw an
5 offer to an applicant following an individualized assessment in
6 accordance with section 203-A if the housing provider
7 determines, by a preponderance of the evidence, that the
8 withdrawal is necessary to fulfill a substantial, legitimate and
9 nondiscriminatory interest.

10 (b) Notice.--If a housing provider withdraws an offer to an
11 applicant, the housing provider shall provide the applicant with
12 written notice of the withdrawal that includes:

13 (1) The specific reason or reasons for the withdrawal.

14 (2) An opportunity to appeal the withdrawal by providing
15 to the housing provider evidence related to the criminal
16 record of the applicant, in accordance with section 204-A.

17 (c) Request.--

18 (1) Within 30 days after a notice of withdrawal of an
19 offer by a housing provider, an applicant may request that
20 the housing provider provide the applicant with a copy of all
21 the information on which the housing provider relied in
22 considering the housing application and evaluating the
23 applicant.

24 (2) Within 10 days after receipt of a timely request
25 under paragraph (1), the housing provider shall provide the
26 information requested, free of charge.

27 Section 207-A. Civil immunity.

28 (a) Circumstances.--To encourage housing providers to
29 provide housing opportunities to formerly incarcerated
30 individuals who were convicted of an offense under 18 Pa.C.S. §

1 7508 (relating to drug trafficking sentencing and penalties), a
2 housing provider subject to the provisions of this article shall
3 be immune from liability in a civil action arising as a result <--
4 of the DIRECTLY RELATED TO A HOUSING PROVIDER'S decision to rent <--
5 or lease to an individual who has a criminal record regarding an
6 offense under 18 Pa.C.S. § 7508 or who was otherwise convicted
7 of the criminal offense.

8 (b) Construction. Nothing in this section shall be <--
9 construed to affect the immunity from liability conferred by law
10 upon a person who rents or leases an apartment to an individual
11 with a conviction for an offense under 18 Pa.C.S. § 7508.

12 (B) CONSTRUCTION.--THE IMMUNITY PROVIDED BY THIS SUBSECTION <--
13 SHALL NOT EXTEND TO ANY PERSON WHO RENTS OR LEASES TO AN
14 INDIVIDUAL WITH A SENTENCE ENFORCED UNDER 18 PA.C.S. § 7508
15 WHERE DAMAGES RESULT FROM GROSS NEGLIGENCE OR INTENTIONAL
16 MISCONDUCT OF THE PERSON WHO RENTS OR LEASES TO AN INDIVIDUAL,
17 OR IF THEY SHOULD HAVE HAD ACTUAL OR CONSTRUCTIVE KNOWLEDGE OF
18 ILLEGAL ACTIVITIES.

19 Section 208-A. Unlawful acts by housing provider.

20 (a) Protected rights.--A housing provider may not interfere
21 with, restrain or deny the exercise of, or the attempt to
22 exercise, a right protected under this article.

23 (b) Retaliatory action.--If the commission determines that a
24 housing provider has engaged in one or more unlawful actions
25 against a person with the intent of retaliating for the person's
26 filing of an action against the housing provider in accordance
27 with section 210-A, each unlawful retaliatory action shall be
28 enforced, in accordance with section 210-A, as a separate and
29 distinct violation of this article.

30 Section 209-A. Complaint data maintenance.

1 (a) Data.--The commission shall maintain data on the number
2 of complaints filed in accordance with this article, which must
3 include the following:

4 (1) Demographic information on the complainants.

5 (2) The identity of the housing providers.

6 (3) The number of investigations conducted.

7 (4) The disposition of each complaint and investigation.

8 (b) Publication.--

9 (1) The commission shall publish every two years and
10 post on the commission's publicly accessible Internet website
11 information on substantiated complaints that have resulted in
12 the issuance of a monetary penalty in accordance with section
13 210-A.

14 (2) The commission may not publish or post on the
15 commission's publicly accessible Internet website information
16 regarding a complaint against a housing provider for which
17 the housing provider is in good faith compliance with the
18 requirements made by the commission in accordance with
19 section 210-A(a) (3) (ii).

20 Section 210-A. Complaints and actions sought against housing
21 provider.

22 (a) Filing of complaint.--

23 (1) A person may not initiate in court an action that
24 alleges a violation of this article.

25 (2) Upon a belief that a housing provider has violated a
26 provision of this article with respect to an applicant, the
27 applicant may file a complaint with the commission against
28 the housing provider.

29 (3) Upon the filing of a complaint against a housing
30 provider by an applicant, the commission shall make a good

1 faith effort to provide notice to the housing provider of the
2 alleged violation. The commission:

3 (i) Shall offer the housing provider the opportunity
4 to resolve the complaint within 14 days of receiving the
5 notice.

6 (ii) May not subject the housing provider to a
7 penalty under subsection (e) if the housing provider
8 resolves the complaint within 14 days of receiving the
9 notice.

10 (b) Warning.--If a housing provider does not resolve the
11 complaint in accordance with subsection (a) and, following an
12 investigation, the commission determines that the complaint is
13 substantiated, the commission:

14 (1) Shall issue a warning to the housing provider that
15 the housing provider is in violation of this article and
16 shall provide the housing provider the opportunity to resolve
17 the complaint within 14 days of receiving the warning.

18 (2) May not subject the housing provider to a penalty
19 under subsection (e) if the housing provider resolves the
20 complaint within 14 days of receiving the warning.

21 (c) Issuance of penalty.--If a housing provider does not
22 resolve the complaint within 14 days of receiving the warning in
23 accordance with subsection (b), the commission:

24 (1) Shall issue a monetary penalty against the housing
25 provider.

26 (2) May require the housing provider to take one or more
27 of the actions authorized by subsection (f).

28 (d) Appeals generally.--

29 (1) A housing provider may appeal, in accordance with 2
30 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of

1 Commonwealth agency action), a final decision by the
2 commission issued in accordance with this section.

3 (2) A complainant under this section:

4 (i) May appeal, in accordance with 2 Pa.C.S. Ch. 7
5 Subch. A, a finding by the commission, following an
6 investigation by the commission, that the complaint is
7 not substantiated.

8 (ii) May not appeal a decision by the commission not
9 to investigate the complaint.

10 (e) Penalties.--A housing provider who violates a provision
11 of this article shall be liable for the following applicable
12 penalties:

13 (1) An amount not to exceed \$500 if the housing provider
14 has not committed any prior violation within the five-year
15 period ending on the date of the filing of the complaint.

16 (2) An amount not to exceed \$5,000 if the housing
17 provider has committed one other violation within the five-
18 year period ending on the date of the filing of the
19 complaint.

20 (3) An amount not to exceed \$10,000 if the housing
21 provider has committed two or more other violations within
22 the seven-year period ending on the date of the filing of the
23 complaint.

24 (f) Requirement of action.--The commission may require a
25 housing provider to take one or more of the following actions
26 upon a finding that the housing provider has violated a
27 provision of this article:

28 (1) Any of the following:

29 (i) Cease and desist from continuing to violate this
30 article.

1 (ii) Communicate in writing to the housing
2 provider's employees and agents their obligations under
3 this article.

4 (iii) Report to the commission on the manner of
5 compliance for a period not to exceed two years provided
6 that the housing provider does not commit future
7 violations of this article.

8 (2) If the housing provider has committed at least one
9 other violation of this article within the five-year period
10 ending on the date of the filing of the complaint under this
11 section, any of the following:

12 (i) Make a good faith effort to remedy the
13 violation, if a remedy is possible.

14 (ii) Issue an offer, if the violation resulted in a
15 failure to issue an offer.

16 (iii) Provide the same or a similar rental dwelling
17 unit on the same terms as the prior offer, if:

18 (A) the same or similar rental dwelling unit is
19 currently or will become available; and

20 (B) the violation resulted in the withdrawal of
21 an offer.

22 (3) Unless the housing provider has provided a rental
23 dwelling unit for the complainant, return the complainant's
24 rental application fee.

25 (4) Pay a portion of the sum owed by the housing
26 provider in accordance with subsection (e) to the
27 complainant, in an amount not to exceed \$1,000.

28 (g) Notwithstanding any other provision of this article, a
29 housing provider is not subject to any penalty for a violation
30 of this article if the provider, either prior to or within 14

days following receipt of written notice of the alleged
violation under this section, takes one or more of the following
remedial actions:

(1) if the violation involves the wrongful rejection of
an applicant, the housing provider accepts the previously
rejected applicant for the unit in question, provided the
unit remains available and the applicant remains qualified;

(2) if the unit originally applied for is no longer
available, the housing provider agrees to offer the next
available unit for which the applicant is qualified; or

(3) if the violation arises from a policy or practice,
the housing provider modifies or discontinues the policy or
practice that caused the violation.

(h) Successful appeal by housing provider.--If a housing
provider appeals a requirement made in accordance with
subsection (f) (2) and the court overturns the requirement after
determining that the housing provider did not violate the
provisions of this article, the successful appeal shall be
grounds for the housing provider to evict the former applicant
if:

(1) the former applicant resides in a rental dwelling
unit of the housing provider; and

(2) the housing provider provides the former applicant
with at least 45 days' notice prior to the eviction.

(i) Construction.--Nothing in this section shall be
construed to bar, exclude or otherwise affect any right or
action which may exist independently of any right or action
under this section, including any right or action under the act
of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania
Human Relations Act.

1 Section 211-A. Rules and regulations.

2 The commission shall adopt or promulgate rules and
3 regulations necessary to carry out the purposes of this article.

4 Section 212-A. Exemption.

5 The provisions of this article do not apply to a housing
6 provider that owns or operates 10 or less rental dwelling units
7 in this Commonwealth.

8 Section 2. This act shall take effect in six months.