

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 AND SANCHEZ,
MAY 19, 2025

REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,
MAY 21, 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:

13 ARTICLE II-A

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

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

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

14 (2) An expunged conviction.

15 (3) A conviction for which an executive pardon has been
16 granted.

17 (4) A conviction that has been vacated or otherwise
18 legally nullified.

19 (5) An adjudication of juvenile delinquency.

20 (6) A record that has been sealed.

21 Section 203-A. Assessment.

22 A housing provider shall perform an individualized assessment
23 of a housing application by an applicant in light of the
24 following factors regarding a criminal offense under 18 Pa.C.S.
25 § 7508 (relating to drug trafficking sentencing and penalties)
26 contained in the criminal record of the applicant:

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

28 (2) The age of the applicant at the time of the
29 occurrence of the criminal offense.

30 (3) The time that has elapsed since the occurrence of

1 the criminal offense.

2 (4) Any information provided by the applicant, or on
3 behalf of the applicant, regarding the applicant's
4 rehabilitation and good conduct since the occurrence of the
5 criminal offense.

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

9 (6) Whether the criminal offense occurred on, or was
10 connected to, property that was rented or leased by the
11 applicant.

12 Section 204-A. Evidence by applicant.

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

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

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

20 Section 205-A. Standards.

21 A housing provider shall apply the standards established
22 under sections 202-A, 203-A and 204-A to each applicant in a
23 nondiscriminatory manner.

24 Section 206-A. Withdrawal of offer.

25 (a) Permissible purpose.--A housing provider may withdraw an
26 offer to an applicant following an individualized assessment in
27 accordance with section 203-A if the housing provider
28 determines, by a preponderance of the evidence, that the
29 withdrawal is necessary to fulfill a substantial, legitimate and
30 nondiscriminatory interest.

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

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

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

8 (c) Request.--

9 (1) Within 30 days after a notice of withdrawal of an
10 offer by a housing provider, an applicant may request that
11 the housing provider provide the applicant with a copy of all
12 the information on which the housing provider relied in
13 considering the housing application and evaluating the
14 applicant.

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

18 Section 207-A. Civil immunity.

19 (a) Circumstances.--To encourage housing providers to
20 provide housing opportunities to formerly incarcerated
21 individuals who were convicted of an offense under 18 Pa.C.S. §
22 7508 (relating to drug trafficking sentencing and penalties), a
23 housing provider subject to the provisions of this article shall
24 be immune from liability in a civil action arising as a result
25 of the decision to rent or lease to an individual who has a
26 criminal record regarding an offense under 18 Pa.C.S. § 7508 or
27 who was otherwise convicted of the criminal offense.

28 (b) Construction.--Nothing in this section shall be
29 construed to affect the immunity from liability conferred by law
30 upon a person who rents or leases an apartment to an individual

1 with a conviction for an offense under 18 Pa.C.S. § 7508.

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

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

6 (b) Retaliatory action.--If the commission determines that a
7 housing provider has engaged in one or more unlawful actions
8 against a person with the intent of retaliating for the person's
9 filing of an action against the housing provider in accordance
10 with section 210-A, each unlawful retaliatory action shall be
11 enforced, in accordance with section 210-A, as a separate and
12 distinct violation of this article.

13 Section 209-A. Complaint data maintenance.

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

17 (1) Demographic information on the complainants.

18 (2) The identity of the housing providers.

19 (3) The number of investigations conducted.

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

21 (b) Publication.--

22 (1) The commission shall publish every two years and
23 post on the commission's publicly accessible Internet website
24 information on substantiated complaints that have resulted in
25 the issuance of a monetary penalty in accordance with section
26 210-A.

27 (2) The commission may not publish or post on the
28 commission's publicly accessible Internet website information
29 regarding a complaint against a housing provider for which
30 the housing provider is in good faith compliance with the

requirements made by the commission in accordance with
section 210-A(a) (3) (ii).

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

(a) Filing of complaint.--

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

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

(3) Upon the filing of a complaint against a housing
provider by an applicant, the commission shall make a good
faith effort to provide notice to the housing provider of the
alleged violation. The commission:

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

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

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

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

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

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

7 (1) Shall issue a monetary penalty against the housing
8 provider.

9 (2) May require the housing provider to take one or more
10 of the actions authorized by subsection (e).

11 (d) Appeals generally.--

12 (1) A housing provider may appeal, in accordance with 2
13 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of
14 Commonwealth agency action), a final decision by the
15 commission issued in accordance with this section.

16 (2) A complainant under this section:

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

21 (ii) May not appeal a decision by the commission not
22 to investigate the complaint.

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

26 (1) An amount not to exceed \$1,000 if the housing
27 provider has not committed any prior violation within the
28 five-year period ending on the date of the filing of the
29 complaint.

30 (2) An amount not to exceed \$5,000 if the housing

1 provider has committed one other violation within the five-
2 year period ending on the date of the filing of the
3 complaint.

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

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

12 (1) Any of the following:

13 (i) Cease and desist from continuing to violate this
14 article.

15 (ii) Communicate in writing to the housing
16 provider's employees and agents their obligations under
17 this article.

18 (iii) Report to the commission on the manner of
19 compliance for a period not to exceed two years provided
20 that the housing provider does not commit future
21 violations of this article.

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

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

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

30 (iii) Provide the same or a similar rental dwelling

1 unit on the same terms as the prior offer, if:

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

4 (B) the violation resulted in the withdrawal of
5 an offer.

6 (3) Unless the housing provider has provided a rental
7 dwelling unit for the complainant, return the complainant's
8 rental application fee.

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

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

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

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

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

29 Section 211-A. Rules and regulations.

30 The commission shall adopt or promulgate rules and

1 regulations necessary to carry out the purposes of this article.

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