

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 919** Session of  
2017

INTRODUCED BY HAYWOOD, BARTOLOTTA, SCHWANK, SABATINA, FONTANA,  
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KILLION, VULAKOVICH, TARTAGLIONE, BLAKE, STEFANO, BROWNE AND  
MENSCH, OCTOBER 5, 2017

AS AMENDED ON SECOND CONSIDERATION, MARCH 19, 2018

## AN ACT

1 Amending the act of May 28, 1937 (P.L.955, No.265), entitled "An  
2 act to promote public health, safety, morals, and welfare by  
3 declaring the necessity of creating public bodies, corporate  
4 and politic, to be known as housing authorities to engage in  
5 slum clearance, and to undertake projects, to provide  
6 dwelling accommodations for persons of low income; providing  
7 for the organization of such housing authorities; defining  
8 their powers and duties; providing for the exercise of such  
9 powers, including the acquisition of property by purchase,  
10 gift or eminent domain, the renting and selling of property,  
11 and including borrowing money, issuing bonds, and other  
12 obligations, and giving security therefor; prescribing the  
13 remedies of obligees of housing authorities; authorizing  
14 housing authorities to enter into agreements, including  
15 agreements with the United States, the Commonwealth, and  
16 political subdivisions and municipalities thereof; defining  
17 the application of zoning, sanitary, and building laws and  
18 regulations to projects built or maintained by such housing  
19 authorities; exempting the property and securities of such  
20 housing authorities from taxation; and imposing duties and  
21 conferring powers upon the State Planning Board, and certain  
22 other State officers and departments," further providing for  
23 powers of an authority; and providing for relocation.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 Section 1. Section 10 of the act of May 28, 1937 (P.L.955,  
27 No.265), referred to as the Housing Authorities Law, is amended

1 by adding a clause to read:

2 Section 10. Powers of an Authority.--An Authority shall  
3 constitute a public body, corporate and politic, exercising  
4 public powers of the Commonwealth as an agency thereof, which  
5 powers shall include all powers necessary or appropriate to  
6 carry out and effectuate the purpose and provisions of this act,  
7 including the following powers, in addition to others herein  
8 granted:

9 \* \* \*

10 (hh) To cooperate and execute agreements with other  
11 authorities for the purposes of accommodating a tenant who  
12 requests to be relocated under section 13.3.

13 Section 2. The act is amended by adding a section to read:

14 Section 13.3. Relocation.--(a) A tenant who is a victim of  
15 domestic or sexual violence may request relocation under this  
16 section if the tenant expressly requests an emergency transfer  
17 and:

18 (1) the tenant or an affiliated individual experienced  
19 domestic or sexual violence on or near the premises within  
20 ninety (90) calendar days of the request; or

21 (2) the tenant reasonably believes that the tenant or an  
22 affiliated individual is threatened with imminent harm of  
23 domestic or sexual violence if the tenant or affiliated  
24 individual remains on the premises.

25 (b) An authority shall make a good faith effort, in  
26 consultation with a tenant seeking relocation, to reasonably  
27 relocate the tenant to a safe and suitable dwelling under the  
28 control of the authority or another authority.

29 (c) A tenant seeking relocation may submit to an authority a  
30 request for any of the following:

1 (1) Relocation from the tenant's existing dwelling unit to  
2 another dwelling unit under the control of the authority.

3 (2) Receipt of a housing choice voucher.

4 (3) Assistance with identifying other housing providers  
5 which may have safe and available dwelling units.

6 (4) Assistance with contacting local organizations offering  
7 assistance to victims of domestic or sexual violence.

8 (d) Each authority shall review and determine a request  
9 submitted under this section within five (5) business days of  
10 receipt of ~~the~~ A COMPLETED request. <--

11 (e) If an authority finds that the tenant qualifies for  
12 relocation or related assistance under this section, the  
13 authority shall take any of the following steps, subject to  
14 availability:

15 (1) ~~Relocate~~ RELOCATE the tenant making the request to <--  
16 another dwelling unit under the control of the authority or  
17 another authority-; <--

18 (2) ~~Provide~~ PROVIDE the tenant with a housing choice voucher <--  
19 within thirty (30) days of the submission of the request.; <--

20 (3) ~~Assist~~ ASSIST the tenant with identifying other housing <--  
21 providers which may have safe and available dwelling units-; OR <--

22 (4) ~~Assist~~ ASSIST the tenant with contacting local <--  
23 organizations offering assistance to victims of domestic or  
24 sexual violence.

25 (f) A tenant may establish sufficient proof of domestic or  
26 sexual violence to qualify for relocation under this section  
27 through any of the following:

28 (1) A current order of protection under 23 Pa.C.S. Ch. 61  
29 (relating to protection from abuse) or 42 Pa.C.S. Ch. 62A  
30 (relating to protection of victims of sexual violence or

1 intimidation) on behalf of the tenant or an affiliated  
2 individual.

3 (2) Police reports, medical records or court documents  
4 relating to the tenant's or an affiliated individual's  
5 victimization as a result of domestic or sexual violence.

6 (3) A certification of abuse as provided in subsection (g).

7 (4) Any other evidence of the conviction or other  
8 adjudication of guilt for domestic or sexual violence committed  
9 against the tenant or an affiliated individual.

10 (g) If an authority receives no conflicting information  
11 regarding domestic or sexual violence, an authority may request  
12 a tenant seeking relocation under this section to submit a  
13 certification to the authority that includes the following:

14 (1) The tenant's name.

15 (2) The address of the tenant's dwelling unit.

16 (3) A statement that the tenant or an affiliated individual  
17 is a victim of domestic or sexual violence.

18 (4) A statement of the incident of domestic or sexual  
19 violence.

20 (5) If known and safe to provide, the name of the  
21 perpetrator who committed the domestic or sexual violence.

22 (6) The proposed date for the termination of the lease or  
23 the release of the tenant from the lease.

24 (h) If an authority receives conflicting information  
25 regarding domestic or sexual violence, an authority may request  
26 a written verification signed by an attesting third party that  
27 includes the following:

28 (1) The tenant's name.

29 (2) The address of the tenant's dwelling unit.

30 (3) The approximate dates during which the domestic or

1 sexual violence occurred, including the most recent date.

2 (4) The name, address and telephone number of the attesting  
3 third party. The authority may waive the inclusion of any part  
4 of this information it determines would unreasonably risk the  
5 safety of the tenant or an affiliated individual.

6 (5) The capacity in which the attesting third party received  
7 the information regarding the domestic or sexual violence.

8 (6) A statement that the attesting third party:

9 (i) has been advised by the tenant or an affiliated  
10 individual that the tenant or an affiliated individual is a  
11 victim of domestic or sexual violence;

12 (ii) considers the tenant's certification to be credible;

13 (iii) understands that the verification may be used as the  
14 basis for releasing the tenant from a lease; and

15 (iv) understands that the statement may be used in court in  
16 proceedings related to this section.

17 (i) If the domestic or sexual violence did not occur on the  
18 premises within ninety (90) calendar days of the date of the  
19 request for relocation, documentation under this section  
20 submitted by a tenant must include a statement that the tenant  
21 reasonably believes the tenant or an affiliated individual is  
22 threatened with imminent harm from further domestic or sexual  
23 violence if not relocated from the current dwelling unit.

24 (j) Statements made within a tenant's certification or an  
25 attesting third party's verification may be used in court in  
26 proceedings related to this section and shall be made under  
27 penalty of perjury.

28 (k) The following shall apply regarding confidentiality and  
29 permitted disclosure:

30 (1) All information submitted to an authority by a tenant

1 seeking relocation under this section shall be confidential and  
2 shall not be subject to disclosure except as ordered by a court  
3 of competent jurisdiction or otherwise provided in this section.

4 (2) An authority may disclose the new address of a relocated  
5 tenant only to the extent the tenant provides specific time-  
6 limited consent to the disclosure in writing.

7 (3) An authority may not allow an employe or agent of the  
8 authority to access confidential information under this section  
9 unless explicitly authorized by the authority for reasons that  
10 specifically call for the employe or agent to access the  
11 confidential information under applicable Federal or State law.

12 (1) If a tenant complies with this section, an authority may  
13 not assess a fee or other penalty against the tenant solely for  
14 exercising a right granted under this this section or other law.

15 (m) A tenant may seek to enforce the tenant's rights under  
16 this section using an available remedy provided by Federal or  
17 State law.

18 (n) As used in this section, the following words and phrases  
19 shall have the meanings given to them in this subsection:

20 "Affiliated individual." As defined by 34 U.S.C. § 12491(a)  
21 (1) (relating to housing protections for victims of domestic  
22 violence, dating violence, sexual assault, and stalking).

23 "Attesting third party." Any of the following:

24 (1) A law enforcement official.

25 (2) A licensed health care professional.

26 (3) A victim advocate as defined by 34 U.S.C. § 12291(a) (41)  
27 (relating to definitions and grant provisions).

28 (4) A victim assistant as defined by 34 U.S.C. § 12291(a)  
29 (42).

30 (5) A victim service provider as defined by 34 U.S.C. §

1 12291(a)(43) or a provider of victim services as defined by 34  
2 U.S.C. § 12291(a)(44).

3 "COMPLETED REQUEST." A REQUEST INCLUDING OR SUPPLEMENTED <--  
4 WITH INFORMATION WHICH THE AUTHORITY REQUIRES TO DETERMINE THE  
5 TENANT'S ELIGIBILITY FOR RELOCATION ASSISTANCE UNDER THIS  
6 SECTION.

7 "Domestic or sexual violence." Any of the following:

8 (1) Conduct against a family or household member that  
9 constitutes an offense under any of the following:

10 (i) 18 Pa.C.S. § 2504 (relating to involuntary  
11 manslaughter).

12 (ii) 18 Pa.C.S. § 2701 (relating to simple assault).

13 (iii) 18 Pa.C.S. § 2702(a)(3), (4) or (5) (relating to  
14 aggravated assault).

15 (iv) 18 Pa.C.S. § 2705 (relating to recklessly endangering  
16 another person).

17 (v) 18 Pa.C.S. § 2706 (relating to terroristic threats).

18 (vi) 18 Pa.C.S. § 2709.1 (relating to stalking).

19 (vii) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

20 For the purpose of this paragraph, the term "family or household  
21 member" shall have the same meaning as in 23 Pa.C.S. § 6102  
22 (relating to definitions).

23 (2) Conduct that constitutes abuse as defined in 23 Pa.C.S.  
24 § 6102.

25 (3) Conduct that constitutes sexual violence as defined in  
26 42 Pa.C.S. § 62A03 (relating to definitions).

27 (4) Dating violence, as defined in section 1553(f) of the  
28 act of March 10, 1949 (P.L.30, No.14), known as the Public  
29 School Code of 1949.

30 "Premises." A dwelling and the structure of which it is a

1 part. The term includes the exterior or interior areas:

2 (1) associated with the structure that are excluded from the  
3 dwelling unit, including the fixtures, facilities and  
4 appurtenances; and

5 (2) held out for the use of tenants generally or the use of  
6 which is promised to the tenants.

7 Section 3. This act shall take effect in six months.