

Legislation Text

File #: 110498, **Version:** 1

Amending Section 9-804 of The Philadelphia Code, entitled “Unfair Rental Practices,” by requiring that every lease provide that a landlord shall be prohibited from terminating the lease based upon a tenant’s status as a domestic violence victim, and shall be required to terminate the lease upon the request of a tenant victim of domestic violence, or may bifurcate the lease if such victim requests bifurcation, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-804 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-800. LANDLORD AND TENANT - RENT CONTROL.

* * *

§ 9-804. Unfair Rental Practices.

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(2) It shall be unlawful for any owner, landlord, agent or other person operating or managing premises to terminate a lease with a tenant or make, alter, amend or modify any term or condition of any existing lease or arrangement of tenancy with a tenant in retaliation for:

(a) any violation having been found against the premises;

(b) the filing of a complaint alleging a violation;

(c) [The] *the* joining of any lawful organization, or any other exercise of a legal right. It shall be unlawful for any owner, landlord, agent or other person operating or managing premises to refuse to lease any premises to a prospective tenant because he believes the prospective tenant has exercised any such right.

(d) *an incident of domestic violence or sexual assault in which a tenant was the victim, or a tenant’s status as a victim of domestic violence or sexual assault. For purposes of this subsection (2)(d) the meaning of the terms “victim”, “domestic violence” and “sexual assault” are as defined in Section 9-3201 of this Code.*

* * *

(6) *The owner, landlord, agent or other person operating or managing the premises shall, at the request of a tenant who is a victim of domestic violence or sexual assault, permit the tenant to terminate the lease regardless of the lease term and without penalty for early termination provided:*

(a) the request is made, in writing, within ninety (90) days of (i) the reporting of an incident of domestic violence or sexual assault, (ii) the issuance of a protection from abuse order or (iii) the approval of a consent agreement, and at least thirty (30) days before the requested termination date;

(b) the victim vacates the premises no later than the early termination date; and

(c) at the time the request is made for termination of the lease, the tenant provides:

(i) a court order or approved consent agreement for protection from abuse pursuant to the Protection from Abuse Act, Act of December 19, 1990, P.L. 1240, No. 206, § 2 (23 Pa.C.S. § 6101 et seq.);

(ii) an incident report from the Police Department stating that a domestic abuse or sexual assault complaint was filed by the tenant; or

(iii) written certification from a health care professional or professional guidance counselor, licensed under the laws of the Commonwealth of Pennsylvania, or a victim's services organization, as defined in Section 9-3201 of this Code, stating that the tenant sought assistance as a victim of domestic violence or sexual assault.

(7) If the abuser or perpetrator of the domestic violence or sexual assault is a cotenant, the owner, landlord, agent or other person operating or managing the premises may, upon the victim's request, bifurcate the lease in order to evict the abuser or perpetrator of the domestic violence or sexual assault, while allowing the victim to remain in the premises provided the victim's request complies with 6(a) and (c) of this Section.

The provisions of subsections (6) and (7) shall be implied in all leases and made a written term in all leases reduced to writing for any lease executed or renewed after the effective date of this Section.

(8) All terms and conditions of the lease remain in effect until the date of termination or bifurcation. If any tenant wishes to inhabit the leased premises after early termination or bifurcation, a new lease with the landlord must be executed.

(9) Nothing in subsection (6) or (7) limits the authority of the landlord, owner, agent or other person operating or managing the premises to evict a tenant, who is the victim of domestic or sexual violence, for any violation of a lease other than one premised on the act or acts of violence in question against such tenant, provided that, in determining whether to evict, the landlord, owner, agent or other person operating or managing the premises does not apply a more demanding standard, than that applied to other tenants who are not victims of domestic or sexual violence.

(10) Nothing in subsection (6) or (7) changes the authority of any court to evict an abuser under the Pennsylvania Protection from Abuse Act, Act of December 19, 1990, P.L. 1240, No. 206, § 2 (23 Pa.C.S. § 6101 et seq.)

(11) Any person aggrieved under the provisions of this Section may file a complaint with the Fair Housing Commission or may allege any violations in an initial pleading or, where appropriate, in a responsive pleading in a court of competent jurisdiction.

[(6)] (12) * * *

SECTION 2. This Ordinance shall become effective sixty (60) days after it is enacted into law.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.