

No. 2004-65

## AN ACT

HB 2081

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for early termination of housing rental agreement; and providing penalties.

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

Section 1. Title 51 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

**§ 7315.1. Early termination of housing rental agreement by military personnel.**

**(a) General rule.—A member of the armed forces of the United States or a member of the Pennsylvania National Guard serving on full-time duty or as a civil service technician with a national guard unit may, through the procedure detailed in this subsection, terminate a housing rental agreement if the member or technician:**

- (1) has received permanent change of station orders;**
- (2) has received temporary duty orders in excess of three months;**
- (3) is honorably discharged or released from active duty with the armed forces of the United States or from full-time duty or technician status with the Pennsylvania National Guard; or**
- (4) has received orders for mandatory housing assignment to government-supplied quarters resulting in forfeiture of basic allowance for housing (BAH).**

**(b) Notice of termination.—Tenants who qualify to terminate a housing rental agreement under this section shall do so by serving on the landlord a written notice of termination effective not less than 30 days after receipt of the notice. Prior to the termination date, the tenant shall furnish the landlord with a copy of the official notification of the orders or a signed letter confirming the orders from the tenant's commanding officer.**

**(c) Final rent.—The final rent shall be prorated to the date of termination and shall be payable at such time as would have otherwise been required by the terms of the housing rental agreement.**

**(d) Arrearages and other obligations and liabilities.—Rents or lease amounts unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis.**

**(e) Rent paid in advance.—Rents or lease amounts paid in advance for a period after the effective date of the termination of the lease shall be refunded to the lessee by the lessor, or the lessor's assignee or the**

*assignee's agent, within 30 days of the effective date of the termination of the lease.*

*(f) Relief to lessor.—Upon application by the lessor to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.*

*(g) Tenant's obligations.—Nothing in this section shall affect the tenant's obligations under section 503-A of the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951.*

*(h) Penalties.—*

*(1) Any person who knowingly seizes, holds or detains the personal effects, security deposit or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, commits a summary offense.*

*(2) The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential or punitive damages.*

Section 2. This act shall take effect in 60 days.

APPROVED—The 4th day of July, A.D. 2004.

EDWARD G. RENDELL