PRINTER'S NO. 1406

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1083 Session of 2009

INTRODUCED BY GREENLEAF, TARTAGLIONE, ERICKSON, RAFFERTY, O'PAKE, EARLL, LOGAN, WILLIAMS, BOSCOLA, STACK, COSTA, WASHINGTON AND KITCHEN, SEPTEMBER 17, 2009

REFERRED TO URBAN AFFAIRS AND HOUSING, SEPTEMBER 17, 2009

AN ACT

Amending the act of April 6, 1951 (P.L.69, No.20), entitled "An act relating to the rights, obligations and liabilities of landlord and tenant and of parties dealing with them and amending, revising, changing and consolidating the law relating thereto," requiring the disclosure of flood history to lessees of residential real property.

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

Section 1. The act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, is amended by adding a section to read:

Section 207. Disclosure of Flood History.--(a) A landlord entering into a lease of residential real property shall disclose to the prospective tenant the property's flood history, including the frequency and extent of flooding, to the extent actually known by the landlord. The landlord shall also disclose to the prospective tenant that the tenant can determine whether the property is located in a floodplain by contacting the Federal Emergency Management Agency and the landlord shall

provide the address and telephone number of the nearest office of that agency.

(b) The disclosures required by subsection (a) may be given in the lease agreement.

(c) (1) A lease of residential real property shall not be invalidated solely because of the failure of any person to comply with the provisions of this section. However, any person who wilfully or negligently violates the provisions of this section shall be liable in the amount of actual damages suffered by the tenant as a result of the violation.

(2) This subsection shall not be construed so as to restrict or expand the authority of a court to impose punitive damages or apply other remedies applicable under any other provision of law.

(d) As used in this section, the term "residential real property" means a single residential dwelling unit.

Section 2. This act shall take effect in 120 days.