**Erie City and County Tenant Bill of Rights: Proposed**

The City of Erie has declared itself to be a welcoming city, and the people of this city and county deserve to live in dignity and be safe in their place of housing. To help ensure Erie is a place where all residents can dwell in safety, this Bill of Rights lays out basic expectations for how rented housing can provide spaces of wellbeing for all residents.

1. **The Right to Safe and Sanitary Housing**

*Renters should have access to safe and sanitary housing; renters should not have to live in dangerous or insecure conditions. Landlords are responsible for providing a “warranty of habitability,” as described in Pugh v. Holmes.*

1. **The Right to Reasonable Accommodation**

*Tenants have the right to be reasonably accommodated for people with disabilities so they can enjoy their housing. Fair Housing Act.*

1. **The Right to a Returned Security Deposit and Apartment Application Fee**

*Landlords must return security deposits and/or fees to hold apartments to those who are not the final renter. Additionally, landlords may collect up to two months’ rent as a security deposit during the first year a tenant lives in a property. After a tenant has resided in that property for two years, only one month’s rent may be held as a deposit. After two years, the tenant has the right to receive interest on the security deposit. Pennsylvania Statutes Title 68 P.S. Real and Personal Property § 250.511a.*

1. **The Right to Clear and Fair Leases**

*Leases should be understandable to landlords and renters, not subject to change after leases have been agreed. Pennsylvania Plain Language Act, 73 P.S. §§ 2201 et seq.*

1. **The Right to Transparent and Fair Utility Costs**

*Heat, water, sewer, gas, and electric services must be provided at all times during a lease. A landlord may never bill a tenant for utilities more than the utility or water/sewer company and may not require a tenant to pay for utilities used by others, including common areas. A utility company may not terminate service provided to a tenant because the landlord has failed to pay the bill without first giving the tenant the opportunity to pay the bill for the last thirty days and deduct the payment from the rent. Utility Service Tenants Rights Act.*

1. **The Right to Residential Privacy**

*Landlords cannot come into rental properties unannounced or interrupt the privacy of renters. Landlords must provide substantial notice before entry, generally 24 hours, and entry must be for a specific reason, such as repairs, inspections, or showing the property to potential renters or buyers. Renters also have the right to visitors without extra charge or surveillance. Landlord-Tenant Act of 1951 504-A; Right of Quiet Enjoyment.*

1. **The Right to Service Maintenance and Surprise Inspection**

*Landlords must ensure the habitability of housing, which includes basic things like plumbing, sewage, heat, absence of vermin, usable floors/cabinet/appliances, absence of leaks, regardless of the lease. Tenants have the right to withhold payment if the housing has conditions that render it unsafe or unsanitary. With this, tenants have the right to request surprise code inspections to ensure landlords are in compliance. Tenants also have the responsibility to report maintenance issues when they occur, so the landlord has a reasonable opportunity to make repairs. City Rent Withholding Act of Jan. 24, (1966) 1965, P.L. 1534, No. 536; Pugh v. Holmes.*

1. **The Right Against Discrimination, Harassment, and Retaliation**

*Tenants have the right not to be denied housing or offering different lease terms because of their age, race, religion, physical or mental disability, source of income, sexual orientation, gender identity, number of children, or status as a victim of domestic violence. Sexual harassment by landlords is illegal. Retaliation aimed at tenants who raise issues of discrimination, sexual harassment, or code issues is illegal. Fair Housing Act of 1968; Erie City Council File No. 16,391 Ordinance No. 66-2023.*

1. **The Right to Adequate Notice of Rate Increases or Eviction**

*Tenants should receive at least two month’s notice of any rental rate increases or the possibility of lease nonrenewal, providing enough time for the tenant to find adequate housing solutions. Erie City Council File No. 16,391 Ordinance No. 66-2023.*

1. **The Right to Just Cause Eviction**

*Tenants should not fear removal from their housing for arbitrary reasons The Council of the City of Erie is committed to work expeditiously to ensure that tenants who are in compliance with their lease obligations can remain stably housed. Erie, Council File No. 16,391 Ordinance No. 66-2023.*

1. **The Right to a Fair Hearing**

*Tenants have the right to present their case and defend their rights in court, which includes fair timeframes in regards to eviction and payments and due process under the law. The Landlord and Tenant Act of 1951; Article III.*

1. **The Right to Organize**

*Within Pennsylvania, all tenants have the right to organize and should not be subject to intimidation or any form of punishment or retribution against them for collectively organizing. The Landlord and Tenant Act of 1951; Section 205.*