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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2443 Session of  
2024

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INTRODUCED BY KRAJEWSKI, SMITH-WADE-EL, FIEDLER, WAXMAN, RABB,  
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JUNE 24, 2024

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REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,  
JUNE 24, 2024

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AN ACT

1 Establishing the Right to Counsel Program and the Tenant Right  
2 to Counsel Task Force; and imposing duties on the Department  
3 of Human Services.

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

17 CHAPTER 1

18 PRELIMINARY PROVISIONS

19 Section 101. Short title.

20 This act shall be known and may be cited as the Right to  
21 Counsel Program Act.

22 Section 102. Definitions.

23 The following words and phrases when used in this act shall  
24 have the meanings given to them in this section unless the  
25 context clearly indicates otherwise:

26 "Applicant." A Statewide nonprofit association or network  
27 that applies for a grant under the program.

28 "Covered proceeding." Any of the following:

29 (1) A judicial or administrative proceeding to evict,  
30 eject or terminate the tenancy or housing subsidy of an

1 eligible individual, or the functional equivalent, including  
2 affirmative litigation to improve housing stability.

3 (2) A first appeal of a proceeding under paragraph (1).

4 (3) A judicial or administrative proceeding to remedy a  
5 violation of the act of April 6, 1951 (P.L.69, No.20), known  
6 as The Landlord and Tenant Act of 1951.

7 (4) A discrimination proceeding under the act of June  
8 13, 1967 (P.L.31, No.21), known as the Human Services Code.

9 "Department." The Department of Human Services of the  
10 Commonwealth.

11 "Designated organization." A Statewide nonprofit association  
12 or network designated by the department to receive a grant under  
13 the program to provide direct representation to eligible  
14 individuals facing eviction.

15 "Direct representation." As follows:

16 (1) Ongoing legal representation, including legal  
17 advice, advocacy and assistance, which is provided by a  
18 designated organization in partnership with the department to  
19 an eligible individual.

20 (2) The term includes the filing of a notice of  
21 appearance on behalf of the eligible individual in a covered  
22 proceeding.

23 "Eligible individual." As follows:

24 (1) An individual who:

25 (i) occupies a rental dwelling in this Commonwealth  
26 under a claim of legal right, other than the owner, whose  
27 annual gross income is not in excess of 200% of the  
28 Federal poverty guidelines as established by the United  
29 States Office of Management and Budget;

30 (ii) is a recipient of a qualifying form of medical

1 assistance, as determined by the department; or

2 (iii) occupies a public housing dwelling.

3 (2) (Reserved).

4 "Program." The Right to Counsel Program established under  
5 section 301.

6 "Secretary." The Secretary of Human Services of the  
7 Commonwealth.

8 "Task force." The Tenant Right to Counsel Task Force  
9 established in section 501.

10 CHAPTER 3

11 RIGHT TO COUNSEL PROGRAM

12 Section 301. Establishment and purpose of program.

13 The Right to Counsel Program is established within the  
14 department to provide grants to designated organizations for the  
15 Statewide direct representation for eligible individuals.

16 Section 302. Implementation and administration.

17 The department shall implement and administer the program.

18 Section 303. Legal services by designated organizations.

19 (a) Partnership.--Under the program, the department shall  
20 work in partnership with designated organizations.

21 (b) Effect of legal service.--A legal service performed by a  
22 designated organization in accordance with this chapter shall  
23 not supplant, replace or satisfy any obligation or  
24 responsibility of the designated organization under another  
25 program, agreement or contract.

26 Section 304. Permissible uses of money.

27 A designated organization may use money under the program for  
28 the following purposes:

29 (1) Direct representation in a covered proceeding,  
30 including the direct placement of an attorney in court.

1 (2) Legal advice, or brief legal services, including  
2 through eviction helplines and community clinics on legal  
3 issues impacting evictions and eviction helplines.

4 (3) Tenant education through the creation of community  
5 education materials or programs on issues impacting eviction  
6 and housing stability.

7 Section 305. Award of grants.

8 (a) Application form.--The department shall develop an  
9 application form for applicants to use to apply for grants under  
10 the program. The application form shall be posted on the  
11 publicly accessible Internet website of the department.

12 (b) Application submittal.--The department shall prescribe  
13 the process to submit completed application forms, including  
14 deadlines for submittal.

15 (c) Review and determination.--

16 (1) The department shall review each completed  
17 application for a grant under the program and shall determine  
18 whether to award the grant.

19 (2) The department shall provide notice of the  
20 determination under paragraph (1). The following apply:

21 (i) If the department awards the grant, the  
22 department shall include the amount of the grant and any  
23 conditions on the use of the grant.

24 (ii) If the department does not award the grant in  
25 whole or in part, the department shall include the  
26 reasons for the full or partial denial.

27 (d) Diversity.--The department shall ensure that grants  
28 under the program are awarded to geographically diverse  
29 designated organizations throughout this Commonwealth.

30 CHAPTER 5

TENANT RIGHT TO COUNSEL TASK FORCE

Section 501. Establishment and purpose of task force.

The Tenant Right to Counsel Task Force is established within the department to advise the department on the program, analyze trends and plan for the expansion of legal services to all eligible tenants.

Section 502. Composition.

The task force shall consist of the following members:

(1) The following individuals appointed by the Governor:

(i) The executive director of a municipal housing authority in this Commonwealth.

(ii) The executive director of a nonprofit organization that represents landlords in this Commonwealth.

(iii) The executive director of a nonprofit organization that advocates on behalf of tenants in this Commonwealth.

(iv) The executive director of a designated organization.

(v) A representative from a city of the first class appointed from a list of three qualified individuals recommended by a mayor of a city of the first class.

(vi) A representative from a county of the second class appointed from a list of three qualified individuals recommended by a county executive of a county of the second class.

(vii) An elected representative from a city of the third class appointed from a list of three qualified individuals recommended by the Pennsylvania Municipal League.

1 (viii) An elected representative from a township  
2 appointed from a list of three qualified individuals  
3 recommended by the Pennsylvania State Association of  
4 Township Supervisors.

5 (ix) An elected representative from a borough  
6 appointed from a list of three qualified individuals  
7 recommended by the Pennsylvania State Association of  
8 Boroughs.

9 (x) Two individuals who, at the time of appointment,  
10 are eligible to receive services under the program.

11 (2) The Attorney General or a designee of the Attorney  
12 General.

13 (3) The executive director of the Pennsylvania Human  
14 Relations Commission or a designee of the executive director.

15 (4) The executive director of the Children's Advocacy  
16 Centers of Pennsylvania or a designee of the executive  
17 director.

18 (5) An individual appointed by the President pro tempore  
19 of the Senate.

20 (6) An individual appointed by the Speaker of the House  
21 of Representatives.

22 (7) An individual appointed by the Minority Leader of  
23 the Senate.

24 (8) An individual appointed by the Minority Leader of  
25 the House of Representatives.

26 (9) The following individuals appointed by the Chief  
27 Justice of the Pennsylvania Supreme Court:

28 (i) Two judges of the courts of common pleas who  
29 have experience in tenant issues and who are  
30 representative of the geographic and demographic

1 diversity of this Commonwealth.

2 (ii) Three magisterial district judges who routinely  
3 preside over eviction cases and who are representative of  
4 the geographic and demographic diversity of this  
5 Commonwealth.

6 Section 503. Officers.

7 (a) Chairperson.--The Governor shall select the chairperson  
8 of the task force from among the members of the task force.

9 (b) Vice chairperson.--The chairperson of the task force  
10 shall designate the vice chairperson of the task force from  
11 among the members of the task force to preside at meetings in  
12 the absence of the chairperson.

13 Section 504. Terms.

14 (a) Duration.--Each member of the task force shall serve a  
15 four-year term.

16 (b) Reappointment.--A members shall be eligible for  
17 reappointment to the task force for no more than two consecutive  
18 terms.

19 (c) Office.--A member appointed to the task force shall  
20 serve by virtue of the member's office, and the term shall be  
21 concurrent with the member's service in the office.

22 Section 505. Vacancy.

23 (a) Filling vacancy.--A vacancy on the task force shall be  
24 filled by the appointing authority within 60 days of the  
25 vacancy.

26 (b) Occurrence.--For the purposes of this section, a vacancy  
27 on the task force occurs when a member resigns from the task  
28 force or no longer holds the employment that originally  
29 qualified the member for the appointment.

30 Section 506. Actions.



1 (a) Quorum.--

2 (1) A majority of the sitting members of the task force  
3 shall constitute a quorum.

4 (2) A quorum shall be required for the task force to  
5 take official actions.

6 (b) Majority vote.--A vote of the majority of the members of  
7 the task force present shall be sufficient for all official  
8 actions taken by the task force.

9 Section 507. Initial meeting.

10 The task force shall hold its initial meeting no later than  
11 60 days from the effective date of this section.

12 Section 508. Compensation and expenses.

13 The members of the task force shall not receive a salary or  
14 per diem allowance for serving as members of the task force but  
15 shall be reimbursed for actual and necessary expenses incurred  
16 in the performance of duties as members of the task force.

17 Expenses may include reimbursement of travel and living expenses  
18 while engaged in the business of the task force.

19 Section 509. Staff and resources.

20 To adequately assist the task force in carrying out its  
21 duties and responsibilities under this act, the department shall  
22 provide the necessary staff and resources to the task force.

23 Section 510. Duties and responsibilities.

24 Subject to the review and approval of the department, the  
25 task force shall:

26 (1) Advise on matters and policies affecting the  
27 program, to effectuate the right to counsel and provide  
28 tenants access to counsel.

29 (2) Analyze data to identify trends and overall  
30 effectiveness of the program.

1 (3) Propose plans for expanding services to cover all  
2 eligible tenants.

3 (4) Prepare reports in accordance with section 511.  
4 Section 511. Reports.

5 (a) Requirement.--Within two years of the effective date of  
6 this subsection, and biennially thereafter, the task force shall  
7 issue a report that includes, at a minimum:

8 (1) The actions of the task force.

9 (2) Details of grants awarded under the program.

10 (3) A summary of data collected, with statistics  
11 regarding the delivery of legal representation services. The  
12 data and any other information collected to compile the  
13 summary shall be made available on the publicly accessible  
14 Internet website of the department.

15 (4) Recommendations for improvement and expansion of  
16 program services to cover all eligible tenants.

17 (b) Submittal.--Each report under this section shall be  
18 submitted to:

19 (1) The Governor.

20 (2) The chairperson and minority chairperson of the  
21 Appropriations Committee of the Senate.

22 (3) The chairperson and minority chairperson of the  
23 Appropriations Committee of the House of Representatives.

24 (4) The chairperson and minority chairperson of the  
25 Judiciary Committee of the Senate.

26 (5) The chairperson and minority chairperson of the  
27 Judiciary Committee of the House of Representatives.

28 (6) The Pennsylvania Supreme Court.

29 (c) Posting.--Each report under this section shall be posted  
30 on the publicly accessible Internet website of the department.

CHAPTER 7

MISCELLANEOUS PROVISIONS

Section 701. Funding.

(a) Available resources.--Money available to the program shall include appropriations and transfers from the General Assembly, special funds, Federal funds and other sources of revenue made available to the program and the department.

(b) Limitations.--

(1) Funding for the program may only be used for the purposes specified under this act.

(2) Money designated for the program may not be transferred or diverted to any other purpose by administrative action.

(3) The program shall be phased in according to a multiyear timeline as determined by the department and shall only be effective if the secretary certifies that the department has sufficient money to fund the program. The following apply:

(i) The certification shall be transmitted to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.

(ii) If the projected need for legal representation to eligible individuals under the program exceeds the money available for the program, the department may prioritize the provision of direct representation by reasonable standards as provided by regulation.

Section 702. Administration costs.

(a) Limitation.--The department may use up to 10% of the money available for grants under the program for the administrative costs of implementing and administering the

1 program and supporting the task force.

2 (b) Nature of administrative costs.--For purposes of this  
3 section, administrative costs include the costs relating to the  
4 employment of personnel, providing technical assistance to  
5 grantees and evaluating the impact of initiatives supported by  
6 the grants.

7 Section 703. Audits.

8 (a) Authorization.--The department may randomly audit grant  
9 recipients to ensure the appropriate use of grants and  
10 compliance with the provisions of this act.

11 (b) Monitoring.--Each designated organization shall  
12 establish a system of monitoring compliance with grant  
13 requirements.

14 Section 704. Rules and regulations.

15 (a) Authorization.--The department shall adopt or promulgate  
16 rules or regulations necessary to carry out the provisions of  
17 this act, including regulations regarding:

18 (1) Designated organizations and the representation of  
19 eligible individuals.

20 (2) The education of eligible individuals on their  
21 rights and available resources.

22 (b) Temporary regulations.--Notwithstanding any other  
23 provision of law, to facilitate the prompt implementation of  
24 this act, the department may issue temporary regulations. The  
25 following apply:

26 (1) Within 180 days of the effective date of this  
27 paragraph, the department shall issue the temporary  
28 regulations. Regulations adopted after this 180-day period  
29 shall be promulgated as provided by statute.

30 (2) Notice of the temporary regulations shall be

1 transmitted to the Legislative Reference Bureau for  
2 publication in the next available issue of the Pennsylvania  
3 Bulletin.

4 (3) The department shall post the temporary regulations  
5 on its publicly accessible Internet website.

6 (4) The temporary regulations shall expire no later than  
7 two years following publication of the temporary regulations  
8 in the Pennsylvania Bulletin.

9 (5) The temporary regulations shall be exempt from the  
10 following:

11 (i) Section 612 of the act of April 9, 1929  
12 (P.L.177, No.175), known as The Administrative Code of  
13 1929.

14 (ii) Sections 201, 202, 203, 204 and 205 of the act  
15 of July 31, 1968 (P.L.769, No.240), referred to as the  
16 Commonwealth Documents Law.

17 (iii) Sections 204(b) and 301(10) of the act of  
18 October 15, 1980 (P.L.950, No.164), known as the  
19 Commonwealth Attorneys Act.

20 (iv) The act of June 25, 1982 (P.L.633, No.181),  
21 known as the Regulatory Review Act.

22 (c) Permanent regulations.--Prior to the expiration of the  
23 temporary regulations, the department shall propose for approval  
24 permanent regulations as provided by statute. The proposed  
25 permanent regulations may be the same as the temporary  
26 regulations.

27 Section 705. Effective date.

28 This act shall take effect in 60 days.