

No. 06-26-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances by the creation of a new Chapter 885, entitled “Residential Tenant Protections from Retaliation” in order to protect the right of residential tenants to engage in lawful activity in pursuit of healthy and safe housing conditions.

Whereas, the General Assembly and Governor of the Commonwealth of Pennsylvania enacted The Landlord and Tenant Act of 1951 to, among other things, establish the rights and responsibilities of landlords and tenants regarding lease agreements, eviction processes, habitability standards, and tenant participation in tenants’ associations; and

Whereas, according to the U.S. Census Bureau’s 2018-2023 American Community Survey 5-Year estimate, there are approximately 161,000 renter occupied households in Allegheny County; and

Whereas, inadequate provisions for light and air, insufficient protection against fire, unsanitary conditions, improper heating, overcrowding, misuse, dilapidation and disrepair of dwellings and other premises, and the occupancy or existence of dwellings unfit for human habitation endangers the health, safety, and welfare of the community; and

Whereas, Allegheny County, through the Allegheny County Health Department, maintains and enforces regulations regarding (1) minimum standards governing utilities, facilities and other physical factors essential to make dwellings safe, sanitary, and fit for human habitation; (2) minimum standards governing the condition and maintenance of dwellings and premises affecting or likely to affect residents of Allegheny County; (3) certain responsibilities and duties of owners, operators and occupants of dwellings, vacant lots or premises, and commercial properties, whether occupied or unoccupied; (4) permit requirements for the operation of rooming houses; (5) preliminary area surveys of dwellings, the inspection of dwellings or other premise and vacation or removal of dwellings unfit for human habitation; and (6) penalties for violations related to the above mentioned categories; and

Whereas, all people deserve to live in decent, safe, and sanitary housing; and

Whereas, all tenants have the fundamental right to seek healthy and safe housing conditions through lawful means without fear of retaliation; and

Whereas, ensuring the right of residential tenants to engage in lawful activity in pursuit of healthy and safe housing conditions without fear of retaliation will advance the public health, safety, and welfare of the people of Allegheny County; and

Whereas, it is the policy of Allegheny County to protect and promote the public health, safety, and welfare of its people.

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The recitations contained within the Preamble to this Ordinance are hereby incorporated by reference herein.

SECTION 2. Amendment of the Code.

Chapter 885
Residential Tenant Protections from Retaliation

Section 885.1. – Definitions

For the purposes of this Chapter, the following words and phrases shall be deemed to have the meanings established in this Section, unless the context clearly indicates otherwise:

- (a) Landlord shall mean the record owner or owners of, or other person, firm or corporation who has charge, care or control of, a dwelling, dwelling unit, rooming unit, building, or structure that is occupied by one or more persons pursuant to an oral or written lease, including all of their respective employees and agents or a third-party beneficiary to the lease.
- (b) Tenant shall mean any person who occupies a dwelling, dwelling unit, rooming unit, building, or structure pursuant to an oral or written lease with a Landlord, regardless of whether the lease has expired or been terminated by the Landlord.
- (c) Protected Tenant Activity shall mean any lawful activity taken to pursue healthy and safe housing conditions, including:
 - (1) Organizing tenants, including but not limited to engaging in any of the activities specified in Section 885.2 of this Ordinance;
 - (2) Participating in a tenants' organization or association;
 - (3) Requesting the landlord to repair the premises or provide healthy and safe housing conditions;
 - (4) Exercising any lawful self-help measure such as withholding rent or making necessary repairs and deducting the cost of those repairs from the rent;
 - (5) Filing a complaint with a governmental agency or public official responsible for enforcing a building, housing, health, consumer protection or similar law, or the issuance of a notice of violation or other enforcement action by such an agency or official;
 - (6) Speaking to a community organization or the news media about issues related to the condition of the premises, or publishing such information;

- (7) Testifying at a public hearing or in any court or administrative proceeding concerning issues related to the tenant's or another tenant's housing conditions;
 - (8) Engaging in collective action for the purpose of bargaining over issues related to the tenant's housing conditions; or
 - (9) Exercising any other right or remedy provided by law.
- (d) Retaliate shall mean terminating a lease, refusing to renew a lease, or adding, modifying, or removing a term of a lease because a tenant participated in a Protected Tenant Activity. This term does not include filing a civil action.

Section 885.2 Purpose, Intent, and Authority

The purpose of this Ordinance is to effectuate and supplement Section 205 of the Pennsylvania Landlord and Tenant Act of 1951, and to protect the right of residential tenants to engage in lawful activity in pursuit of healthy and safe housing conditions. To accomplish these ends, this Ordinance provides for a clear statement of tenants' rights to organize and protects tenants from retaliation for organizing other tenants, engaging in collective action or exercising other legal rights in pursuit of healthy and safe housing conditions.

This Ordinance is adopted in accordance with the authority existing under Section 1.4-402 of the Home Rule Charter of Allegheny County, Section 2961 of the Pennsylvania Home Rule Law, and Sections 4101 and 4103 of the Municipal Housing Ordinance Authorization Law.

Section 885.3 Tenants' Right to Organize

- (a) Tenants have the right under Section 205 of the Pennsylvania Landlord and Tenant Act of 1951 to form, join, and participate in the activities of a tenant organization or association.
- (b) To address issues related to the health and safety of rental housing in the County:
 - (1) Tenant organizers may contact and communicate with tenants on the rental premises, including within a rental unit, or in a tenant common area such as a community room, to assist tenants in establishing and operating a tenant organization or association and participating in collective actions. Tenant organizers need not be a tenant of the applicable landlord.
 - (2) Tenants and tenant organizers may use common areas and community facilities on the rental premises for tenant meetings, so long as they comply with any universally applicable use and reservation policies. No landlord may attend or record such meetings unless permitted to do so by the tenant organization or association. Landlords or their agents may access the common areas and community facilities in case of emergency.
 - (3) Tenants may refuse to join or participate in the activities of tenant organizations or associations and may represent themselves individually in their tenancy relation with their landlord.
- (c) Tenants and tenant organizers may use common areas to distribute literature to other tenants, or place literature on or under the door of tenant units, where the literature concerns habitability. If the landlord provides a bulletin board in a common area, then the landlord may not remove such literature from the bulletin board.

Section 885.4 Retaliation Prohibited

- (a) It shall be unlawful to retaliate.
- (b) In a civil action filed by a landlord to enforce a lease against a tenant to recover possession of the leased premises, if the tenant proves by a preponderance of the evidence that they participated in a protected tenant activity within one year before the filing, then the landlord must prove by clear and convincing evidence that they did not retaliate against the tenant.
- (c) A finding that the tenant unjustifiably withheld or failed to pay rent, deliberately or negligently caused significant damage to the leased premises, or caused significant adverse impact upon other tenants or upon the physical or financial security of the leased premises shall overcome the presumption of retaliation. Notwithstanding the forgoing, any lease violation which the landlord previously knew of and failed to enforce against any tenant, including the tenant who is party to the action, is not necessarily sufficient to overcome the presumption of retaliation.

SECTION 3. Severability.

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is found to be invalid or unconstitutional, such decision will not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance; they will remain effective, it being the legislative intent that this Ordinance stands despite the invalidity of any part.

SECTION 4. Repealer.


All ordinances and part of ordinances inconsistent herewith are hereby repealed.

SECTION 5. Effective Date and Term of this Ordinance.

This Ordinance will enter into effect immediately upon its passage and enactment.

Enacted in Council, this 29th day of March, 2026.

Council Agenda No. 15863-26.

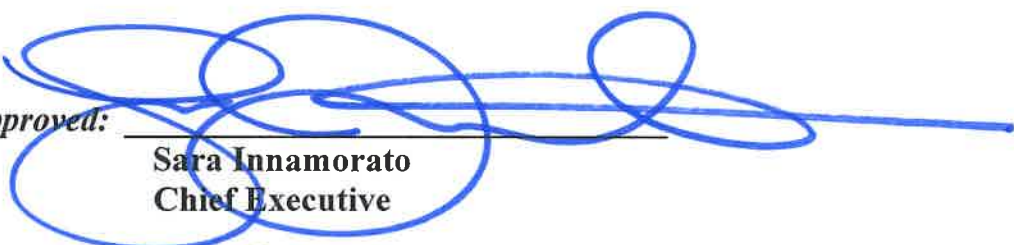


Patrick J. Catena
President of Council

Attest: 

Jared E. Barker
Allegheny County Council

Chief Executive Office March 26, 2026

Approved: 

Sara Innamorato
Chief Executive

Attest: 

John Fournier
County Manager

SUMMARY OF LEGISLATION

The attached legislation provides for a clear statement of tenants' rights to organize and protects tenants from retaliation for organizing other tenants, engaging in collective action or exercising other legal rights in pursuit of healthy and safe housing conditions.

MEMORANDUM

OFFICE OF THE ALLEGHENY COUNTY EXECUTIVE

TO: Jared Barker
Chief Clerk and Director of Legislative Services
Allegheny County Council

FROM: Ernest Rajakone
Deputy Chief of Staff, Intergovernmental Affairs
Office of Allegheny County Chief Executive Sara Innamorato

CC: John Fournier
County Manager

DATE: February 19, 2026

RE: **Allegheny County Residential Anti-Retaliation Ordinance**

An Ordinance of Allegheny County, Pennsylvania, providing for a clear statement of tenants' rights to organize and protecting tenants from retaliation for organizing other tenants, engaging in collective action or exercising other legal rights in pursuit of healthy and safe housing conditions.

The Allegheny County Law Department has reviewed the Ordinance prior to submission to the Council.

On behalf of Allegheny County Chief Executive Sara Innamorato, I am requesting this Ordinance be included on the agenda for introduction at the Regular Meeting of County Council on February 24, 2026.