

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 654 Session of 2023

INTRODUCED BY BULLOCK, MADDEN, KINSEY, BURGOS, HILL-EVANS,  
SANCHEZ, HOHENSTEIN, CEPEDA-FREYTIZ, FREEMAN, KINKEAD,  
N. NELSON, GREEN AND HOWARD, MARCH 21, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 21, 2023

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, in dispositions  
3 independent of letters, family exemption, probate of wills  
4 and grant of letters, providing for small estate primary  
5 residence affidavit and establishing the Small Estate Primary  
6 Residence Affidavit Pilot Program.

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

9 Section 1. Title 20 of the Pennsylvania Consolidated  
10 Statutes is amended by adding a section to read:

11 § 3103. Small estate primary residence affidavit.

12 (a) Establishment.--A county property office may establish a  
13 Small Estate Primary Residence Affidavit Pilot Program to  
14 administer this section.

15 (b) Small estate primary residence affidavit.--If a person  
16 dies while legally domiciled and owning a primary residence in a  
17 county, the county wherein the decedent was domiciled at the  
18 time of death may direct distribution of the primary residence  
19 to the parties entitled to the primary residence:

1       (1) upon petition of a party in interest;  
2       (2) in the discretion of the court;  
3       (3) with or without appraisal;  
4       (4) with notice as the court shall direct; and  
5       (5) whether or not letters have been issued or a will  
6       probated.

7       (c) Process.--Pursuant to the process developed by the  
8       county property office, the attorney for the descendants,  
9       ascendants or surviving spouse of the decedent shall record the  
10      property transfer of the decedent's primary residence with the  
11      county. The following apply:

12           (1) If the descendants, ascendants or surviving spouse  
13      of the decedent can prove that their income is less than 120%  
14      of the Federal poverty guidelines, the county property office  
15      shall waive any filing fees under this section.

16           (2) The authority of the court to award distribution of  
17      a primary residence under this section shall not be  
18      restricted because of the decedent's ownership of real  
19      estate, regardless of its value.

20           (3) The decree of distribution so made shall:

21               (i) Constitute sufficient authority to all transfer  
22      agents, registrars and others dealing with the primary  
23      residence of the estate to recognize the persons named  
24      therein as entitled to receive the primary residence to  
25      be distributed without administration.

26               (ii) In all respects have the same effect as a  
27      decree of distribution after an accounting by a personal  
28      representative.

29           (4) Within two years after the decree of distribution  
30      has been made, a party in interest may file a petition to

1 revoke the decree because an improper distribution has been  
2 ordered. If the court finds that an improper distribution has  
3 been ordered, the court shall revoke the decree and shall  
4 direct restitution as equity and justice require.

5 (d) Reporting.--

6 (1) No later than five years after the effective date of  
7 this section, the Local Government Commission shall conduct a  
8 study of the small estate primary residence affidavit created  
9 under this section.

10 (2) No later than six years after the effective date of  
11 this section, the Local Government Commission shall submit a  
12 report on the programs established under this section to the  
13 General Assembly and shall provide recommendations on the  
14 continuation, expansion or termination of the Small Estate  
15 Primary Residence Affidavit Pilot Program.

16 (e) Realty transfer tax.--A county, city or school district  
17 that is due a payment of a realty transfer tax as a result of a  
18 transfer of property under this section may waive, refund or  
19 exempt the realty transfer tax subject to this section.

20 (f) Expiration.--This section shall expire seven years after  
21 the effective date of this subsection.

22 (g) Definitions.--As used in this section, the following  
23 words and phrases shall have the meanings given to them in this  
24 subsection unless the context clearly indicates otherwise:

25 "County property office." The recorder of deeds, register of  
26 wills or other county government office responsible for the  
27 transfer of deeds within a county.

28 "Primary residence." Residential real property primarily  
29 used as a home with a gross value no more than \$150,000.

30 "Program." The Small Estate Primary Residence Affidavit

1 Pilot Program established by a county under subsection (a).

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