

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 977 Session of
2003

INTRODUCED BY WHEATLEY, STETLER, ARGALL, BEBKO-JONES, BROWNE,
BUXTON, CRAHALLA, FRANKEL, FREEMAN, GERGELY, GOODMAN,
GRUCELA, JAMES, KOTIK, LEACH, MANN, MCGEEHAN, MELIO, O'NEILL,
PHILLIPS, SAYLOR, TANGRETTI, WASHINGTON, HENNESSEY, KIRKLAND,
LAUGHLIN, LEDERER, MCCALL, MCNAUGHTON, MUNDY, PETRONE,
READSHAW, SOLOBAY AND WALKO, MARCH 26, 2003

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 26, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, establishing a cause of
3 action for building, housing and health code violations.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8317. Building, housing and health code violations.

9 (a) Cause of action.--Where any building or structure has
10 serious violations of any building, property maintenance or fire
11 safety code ordinance enacted pursuant to law by a municipality,
12 any private person may institute an action to abate such
13 violations. When any such action is instituted by a private
14 person, notice of that action shall be served upon the
15 municipality by the district justice within five days. The
16 municipality shall, within ten days of receiving such notice,

1 respond to the complainant by issuing a letter indicating that
2 either:

3 (1) The municipality has substantially confirmed the
4 complainant's allegation and is taking enforcement activity;
5 in which case, the complainant is barred from taking private
6 action.

7 (2) The municipality has investigated the complaint and
8 has not been able to confirm the complainant's charge. In
9 such case, either side of a suit that comes before the court
10 shall be authorized to call municipal inspectors as
11 witnesses.

12 (3) The municipality does not plan on investigating the
13 charge.

14 In the case of paragraph (1), the municipality shall be
15 obligated to keep the complainant informed of the progress in
16 resolving the violation. In the case of paragraph (2) or (3), a
17 copy of the letter issued by the municipality shall be required
18 as part of the complainant's file with the court.

19 (b) Jurisdiction.--Except as provided in section 1143(a)(3)
20 (relating to jurisdiction and venue), district justices shall,
21 under procedures prescribed by general rule, have jurisdiction
22 of actions instituted pursuant to this section.

23 (c) Penalties.--Upon a determination by a district justice
24 that a violation of a municipal ordinance alleged by a
25 complainant pursuant to subsection (a) does exist at the time of
26 the hearing, the district justice shall prescribe the same
27 corrective actions or penalties or both provided for in the
28 municipal ordinance, as if the complaint had been initiated by
29 the municipality in which the property is located.

30 (d) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection:

3 "Private person." An individual who owns property or lives
4 in the municipality in which the alleged violation exists or an
5 entity which provides services or owns property in the
6 municipality in which the alleged violation exists.

7 "Serious violations." Housing, building, property
8 maintenance or fire safety code violations that pose an
9 immediate threat to the health and safety of dwelling occupants
10 or occupants in surrounding structures and passers by.

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