
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 6

Session of
1975

INTRODUCED BY MESSRS. FINEMAN, BONETTO, WARGO, BERLIN, FEE,
WOJDAK, PIEVSKY, RAPPAPORT, DeMEDIO, LAUDADIO, HOPKINS,
PERRY, OLIVER, MRS. TOLL, MESSRS. ROMANELLI, McLANE, GREEN,
GILLESPIE, O'KEEFE, STAPLETON, RUGGIERO AND MRS. GILLETTE,
JANUARY 20, 1975

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE,
JANUARY 20, 1975

AN ACT

1 Amending the act of June 22, 1964 (Sp. Sess., P.L.84, No.6),
2 entitled "An act to codify, amend, revise and consolidate the
3 laws relating to eminent domain," further providing for
4 compensation for displaced homeowners.

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

7 Section 1. Sections 609 and 611, act of June 22, 1964 (Sp.
8 Sess., P.L.84, No.6), known as the "Eminent Domain Code,"
9 section 609 added December 29, 1971(P.L.635, No.169), are
10 amended to read:

11 Section 609. Condemnee's Costs Where No Declaration of
12 Taking Filed.--Where proceedings are instituted by a condemnee
13 under section 502(e), a judgment awarding compensation to the
14 condemnee for the taking of property shall include reimbursement
15 of reasonable appraisal, attorney and engineering fees and other
16 costs and expenses actually incurred based on the prevailing
17 methods for determining fees in these professions, whether

1 contingent or otherwise.

2 Section 611. Delay Compensation.--The condemnee shall not be
3 entitled to compensation for delay in payment during the period
4 he remains in possession after the condemnation, nor during such
5 period shall a condemnor be entitled to rent or other charges
6 for use and occupancy of the condemned property by the
7 condemnee. Special compensation shall, however, be awarded for
8 improvements made by the owner during the period the owner
9 remains in possession after condemnation and prior to
10 relinquishment, which are essential to the health and safety of
11 the occupant and as may be required by the local health, fire,
12 and other municipal authorities, by code or by ordinance.

13 Compensation for delay in payment shall, however, be paid at the
14 rate of six per cent per annum from the date of relinquishment
15 of possession of the condemned property by the condemnee, or if
16 the condemnation is such that possession is not required to
17 effectuate it, then delay compensation shall be paid from the
18 date of condemnation: Provided, however, That no compensation
19 for delay shall be payable with respect to funds paid on
20 account, or by deposit in court, after the date of such payment
21 or deposit. Compensation for delay shall not be included by the
22 viewers or the court or jury on appeal as part of the award or
23 verdict, but shall at the time of payment of the award or
24 judgment be calculated as above and added thereto. There shall
25 be no further or additional payment of interest on the award or
26 verdict.

27 Section 2. Section 602-A of the act, added December 29, 1971
28 (P.L.635, No.169), is amended to read:

29 Section 602-A. Replacement Housing for Homeowners.--(a) In
30 addition to payments otherwise authorized, the acquiring agency

1 shall make an additional payment not in excess of fifteen
2 thousand dollars (\$15,000) to any displaced person who is
3 displaced from a dwelling actually owned and occupied by such
4 displaced person for not less than one hundred eighty days prior
5 to the initiation of negotiations for the acquisition of the
6 property or the receipt of written notice from the acquiring
7 agency of intent to acquire or order to vacate. Such additional
8 payment shall include the following elements:

9 (1) The amount, if any, which, when added to the acquisition
10 cost of the acquired dwelling, equals the reasonable cost of a
11 comparable replacement dwelling which is a decent, safe, and
12 sanitary dwelling adequate to accommodate such displaced person,
13 reasonably accessible to public services and his place of
14 employment and available to such displaced person on the private
15 market, but shall in no event be less than the amount, if any,
16 which, when added to the acquisition cost of the acquired
17 dwelling, equals the mean market value of residential dwellings
18 within the same county as the property which was acquired. Mean
19 market value shall be calculated by taking the mean market value
20 from the most recently taken United States Census for the county
21 and adding such a sum as will reflect the inflation rate for the
22 Standard Metropolitan Statistical Area covering the county of
23 the acquired property as determined by the United States
24 Department of Labor.

25 (2) The amount, if any, as hereinafter provided, which will
26 compensate such displaced person for any increased interest and
27 other debt service costs, which such person is required to pay
28 for financing the acquisition of any such comparable replacement
29 dwelling. Such amount shall be equal to the excess in the
30 aggregate interest and other debt service costs of that amount

1 on the principal of the installment purchase contract, mortgage
2 or other evidence of debt on the replacement dwelling which is
3 equal to the unpaid balance of the installment purchase
4 contract, mortgage or other evidence of debt on the acquired
5 dwelling over the remaining term of the installment purchase
6 contract, mortgage or other evidence of debt on the acquired
7 dwelling reduced to discounted present value. The discount rate
8 shall be the prevailing interest rate paid on savings deposits
9 by commercial banks in the general area in which the replacement
10 dwelling is located. Such amount shall be paid only if the
11 acquired dwelling was subject to an installment purchase
12 contract or encumbered by a bona fide installment purchase
13 contract, mortgage or other evidence of debt secured by the
14 dwelling which was a valid lien on such dwelling for not less
15 than one hundred eighty days prior to the initiation of
16 negotiations for the acquisition of such dwelling.

17 (3) Reasonable expenses incurred by such displaced person
18 for evidence of title, recording and attorney fees, real
19 property transfer taxes, and other closing and related costs
20 incident to the purchase and financing of the replacement
21 dwelling, but not including prepaid expenses.

22 (b) The additional payment authorized by this section shall
23 be made only to such a displaced person who purchases and
24 occupies a replacement dwelling, which is decent, safe,
25 sanitary, and adequate to accommodate such displaced person, not
26 later than the end of the one-year period beginning on the date
27 on which he receives final payment of his full acquisition cost
28 for the acquired dwelling, or on the date on which he moves from
29 the acquired dwelling, whichever is the later date unless he is
30 unable to purchase a replacement dwelling because of age or

1 disability. Regulations issued pursuant to section 604-A may
2 prescribe situations when such one-year period may be extended.

3 (c) The person entitled under this section shall have the
4 right to elect the benefits available under section 603-A in
5 lieu of those provided by this section.

6 Section 3. This act shall take effect in 60 days.