

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 2038

Session of  
1978

INTRODUCED BY BRANDT, ARMSTRONG, WEIDNER, DAVIES, HONAMAN,  
MOEHLMANN, WENGER, SCHEAFFER, W. W. FOSTER, ZEARFOSS, PITTS,  
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SHUMAN, ZORD, GARZIA, JONES, SALVATORE, GRIECO, MRKONIC AND  
POLITE, FEBRUARY 1, 1978

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 1, 1978

AN ACT

1 Amending the act of July 7, 1947 (P.L.1368, No.542), entitled  
2 "An act amending, revising and consolidating the laws  
3 relating to delinquent county, city, except of the first and  
4 second class and second class A, borough, town, township,  
5 school district, except of the first class and school  
6 districts within cities of the second class A, and  
7 institution district taxes, providing when, how and upon what  
8 property, and to what extent liens shall be allowed for such  
9 taxes, the return and entering of claims therefor; the  
10 collection and adjudication of such claims, sales of real  
11 property, including seated and unseated lands, subject to the  
12 lien of such tax claims; the disposition of the proceeds  
13 thereof, including State taxes and municipal claims recovered  
14 and the redemption of property; providing for the discharge  
15 and divestiture by certain tax sales of all estates in  
16 property and of mortgages and liens on such property, and the  
17 proceedings therefor; creating a Tax Claim Bureau in each  
18 county, except a county of the first class, to act as agent  
19 for taxing districts; defining its powers and duties,  
20 including sales of property, the management of property taken  
21 in sequestration, and the management, sale and disposition of  
22 property heretofore sold to the county commissioners, taxing  
23 districts and trustees at tax sales; providing a method for  
24 the service of process and notices; imposing duties on taxing  
25 districts and their officers and on tax collectors, and  
26 certain expenses on counties and for their reimbursement by  
27 taxing districts; and repealing existing laws," further  
28 providing for notices before sale.

29 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The act of July 7, 1947 (P.L.1368, No.542), known  
3 as the "Real Estate Tax Sale Law," is amended by adding a  
4 section to read:

5 Section 209. Legal Advice Procedure to be Established.--The  
6 bureau shall establish a procedure, in writing, subject to the  
7 approval of the president judge of the court of common pleas of  
8 the judicial district in which the bureau is situated, to refer  
9 every taxpayer, who contacts the bureau pursuant to the notice  
10 provisions of sections 308 and 602, to a legal referral agency  
11 or system approved by the court for the purpose of obtaining  
12 competent legal counsel.

13 Section 2. Section 308 of the act, amended September 15,  
14 1961 (P.L.1334, No.589), and subsection (a) amended August 26,  
15 1965 (P.L.386, No.201), is amended to read:

16 Section 308. Notice of Filing of Returns and Entry of  
17 Claim.--(a) Not later than the thirty-first day of July of each  
18 year, or for the first year a county operates under this act,  
19 not later than the thirty-first day of October, or whenever,  
20 heretofore, any claims have been returned to and a claim entered  
21 with the tax claim bureau and the same has not been pursued to  
22 sale as provided for by the act of Assembly, then within six (6)  
23 months after the effective date of this act, the bureau shall  
24 give notice of the return of said taxes and the entry of such  
25 claim to each delinquent taxable, by United States registered  
26 mail or United States certified mail, return receipt requested,  
27 postage prepaid, addressed to the owner personally at his last  
28 known post office address. If the owner of the property is  
29 unknown and has been unknown for a period of not less than ten  
30 years, such notice shall be given only by posting on the

1 property affected. In the case of a mobilehome or house trailer  
2 subject to real property tax, a copy of such notice shall at the  
3 same time and in like manner be sent to the encumbrance holders  
4 of record. If no post office address of the owner is known or if  
5 a notice mailed to an owner at such last known post office  
6 address is not delivered to him by the postal authorities, then  
7 notice as herein provided shall immediately be posted on the  
8 property affected. Each mailed and posted notice shall, (1) show  
9 all the information shown on the claim entered, (2) state that  
10 if payment of the amount due the several taxing districts for  
11 said taxes is not made to the bureau on or before the thirty-  
12 first day of December next following, in cases where the notice  
13 was mailed prior to August first, or that if payment is not made  
14 on or before March thirty-first of the following year, in cases  
15 where the notice was mailed on or after August first, or no  
16 exceptions thereto filed, the said claim shall become absolute,  
17 (3) state that on July first of the year in which such notice is  
18 given or if the notice was mailed after July thirty-first, that  
19 on the first day of the month (naming it) in which the notice  
20 was mailed the one (1) year period of redemption shall commence  
21 or has commenced to run, and that if redemption is not made  
22 during that period as provided by this act, the property shall  
23 be sold at judicial sale and there shall be no further  
24 redemption after such sale.

25 (b) In the case of claim for taxes, filed in the office of  
26 the prothonotary, which have not been heretofore reduced to  
27 judgment, where the lien of such claim has not been lost, the  
28 respective taxing districts shall return to the bureau on or  
29 before the first Monday of May, one thousand nine hundred forty-  
30 eight, or on or before the first Monday of June of any year in

1 which any city of the third class or any county shall elect to  
2 collect its delinquent taxes in accordance with this act, a  
3 complete list of such claims and the properties against which  
4 the same are filed, and the bureau shall give such owners the  
5 same notice as above provided or shall post such notice on the  
6 property.

7 (c) Notice given in the manner provided by this section  
8 shall constitute proper service on the owner. A statement in the  
9 claim entered that due notice of the same was given shall be  
10 conclusive evidence that notice was given as required by law.

11 (d) The notice given in the manner provided by this section  
12 shall contain the following provision which shall be  
13 conspicuously placed upon said notice and set in at least 10-  
14 point type: "IF YOU FAIL TO PAY THIS TAX CLAIM OR TAKE LEGAL  
15 ACTION TO CHALLENGE THIS TAX CLAIM, YOUR PROPERTY WILL BE SOLD  
16 WITHOUT YOUR CONSENT AS PAYMENT FOR THESE TAXES. YOUR PROPERTY  
17 MAY BE SOLD FOR A SMALL FRACTION OF ITS FAIR MARKET VALUE. IF  
18 YOU HAVE ANY QUESTIONS, PLEASE CALL YOUR ATTORNEY, THE TAX CLAIM  
19 BUREAU AT THE FOLLOWING TELEPHONE NUMBER \_\_\_\_\_, OR THE  
20 LEGAL REFERRAL SERVICE AT THE FOLLOWING TELEPHONE NUMBER  
21 \_\_\_\_\_."

22 [(d)] (e) The costs of such mailed and posted notices shall  
23 be taxed as part of the costs of the proceedings and shall be  
24 paid by the owner the same as other costs.

25 Section 3. Section 602 of the act, amended September 27,  
26 1973 (P.L.264, No.74), is amended to read:

27 Section 602. Notice of Sale.--Prior to any scheduled sale  
28 the bureau shall give notice thereof, once a week for three (3)  
29 consecutive weeks in two (2) newspapers of general circulation  
30 in the county, if so many are published therein, and once in the

1 legal journal, if any, designated by the court for the  
2 publication of legal notices. Such notice shall set forth (a)  
3 the purposes of such sale, (b) the time of such sale, (c) the  
4 place of such sale, (d) the terms of the sale including the  
5 approximate upset price, (e) the descriptions of the properties  
6 to be sold as stated in the claims entered, each description  
7 commencing with

8 ".....  
9 Name of Owner  
10 ....."  
11 description

12 Where the owner is unknown and has been unknown for a period  
13 of not less than ten years, the name of the owner need not be  
14 included in such description.

15 The description may be given intelligible abbreviations.

16 The notice required by this section shall contain the  
17 following provision which shall be conspicuously placed upon  
18 said notice and set in at least 10-point type: "YOUR PROPERTY IS  
19 ABOUT TO BE SOLD WITHOUT YOUR CONSENT FOR DELINQUENT TAXES. YOUR  
20 PROPERTY MAY BE SOLD FOR A SMALL FRACTION OF ITS FAIR MARKET  
21 VALUE. IF YOU HAVE ANY QUESTIONS AS TO WHAT YOU MUST DO IN ORDER  
22 TO SAVE YOUR PROPERTY, PLEASE CALL YOUR ATTORNEY, THE TAX CLAIM  
23 BUREAU AT THE FOLLOWING TELEPHONE NUMBER OR THE  
24 LEGAL REFERRAL SERVICE AT THE FOLLOWING TELEPHONE NUMBER  
25 ....."

26 Such published notice shall be addressed to the "owners of  
27 properties described in this notice and to all persons having  
28 tax liens, tax judgments or municipal claims against such  
29 properties."

30 In addition to such publications, similar notice of the sale

1 shall also be given by the bureau, at least ten (10) days before  
2 the date of the sale, by United States certified mail, personal  
3 addressee only, return receipt requested, postage prepaid, to  
4 each owner as defined by this act and by posting on the  
5 property.

6 The published notice, the mail notice and the posted notice  
7 shall each state that the sale of any property may, at the  
8 option of the bureau, be stayed if the owner thereof or any lien  
9 creditor of the owner on or before the date of sale enters into  
10 an agreement with the bureau to pay the taxes in instalments, in  
11 the manner provided by this act, and the agreement entered into.

12 In case the property of any corporation, limited partnership  
13 or joint-stock association is advertised for sale, the bureau  
14 shall give to the Department of Revenue the notice required by  
15 section one thousand four hundred two of the Fiscal Code of the  
16 ninth day of April, one thousand nine hundred twenty-nine  
17 (Pamphlet Laws 343).

18 No sale shall be defeated and no title to property sold shall  
19 be invalidated because of proof that mail notice as herein  
20 required was not received by the owner, provided such notice was  
21 given as prescribed by this section.

22 The costs of such advertisement and notices shall be taxed as  
23 part of the costs of such proceedings and shall be paid by the  
24 owner the same as other costs.

25 Section 4. This act shall take effect in 60 days.