

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 856      Session of  
1999

---

INTRODUCED BY DRUCE AND REINARD, MARCH 10, 1999

---

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 10, 1999

---

AN ACT

1    Conferring limited eminent domain power upon certain economic  
2        development financing authorities.

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

5    Section 1.    Short title.

6        This act shall be known and may be cited as the Economic  
7    Development Eminent Domain Law.

8    Section 2.    Definitions.

9        The following words and phrases when used in this act shall  
10   have the meanings given to them in this section unless the  
11   context clearly indicates otherwise:

12        "Authority."    A public instrumentality of the Commonwealth  
13   and a body politic and corporate created pursuant to section 4  
14   of the act of August 23, 1967 (P.L.251, No.102), known as the  
15   Economic Development Financing Law.

16        "Blighted property."    Includes any of the following:

17            (1)    Any premises which because of physical condition or

1 use is regarded as a public nuisance at common law or has  
2 been declared a public nuisance in accordance with the local  
3 housing, building, plumbing, fire and related codes.

4 (2) Any premises which because of physical condition,  
5 use or occupancy is considered an attractive nuisance to  
6 children, including, but not limited to, abandoned wells,  
7 shafts, basements, excavations, and unsafe fences or  
8 structures.

9 (3) Any dwelling which because it is dilapidated,  
10 unsanitary, unsafe, vermin-infested or lacking in the  
11 facilities and equipment required by the housing code of the  
12 municipality, has been designated by the department  
13 responsible for enforcement of the code as unfit for human  
14 habitation.

15 (4) Any structure which is a fire hazard, or is  
16 otherwise dangerous to the safety of persons or property.

17 (5) Any structure from which the utilities, plumbing,  
18 heating, sewerage or other facilities have been disconnected,  
19 destroyed, removed, or rendered ineffective so that the  
20 property is unfit for its intended use.

21 (6) Any vacant or unimproved lot or parcel of ground in  
22 a predominantly built-up neighborhood, which by reason of  
23 neglect or lack of maintenance has become a place for  
24 accumulation of trash and debris, or a haven for rodents or  
25 other vermin.

26 (7) Any unoccupied property which has been tax  
27 delinquent for a period of two years.

28 (8) Any property which is vacant but not tax delinquent,  
29 which has not been rehabilitated within one year of the  
30 receipt of notice to rehabilitate from the appropriate code

enforcement agency.

(9) Any property which is part of a closed military facility and which requires extensive infrastructure and other building improvements to be fit for its intended commercial or industrial reuse.

"Residential and related use." Includes residential property for sale or rental and related uses, including, but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.

### Section 3. Eminent domain.

(a) Power conferred.--In addition to the powers contained in the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law, an authority having a principal place of business in a second class A county and having jurisdiction over at least one closed military facility comprising in excess of five hundred acres shall have the power to acquire by eminent domain any real property and fixtures appurtenant thereto within the borders of a former military facility for the purposes set forth in this act.

(b) Title to property.--Title to property acquired by an authority through eminent domain pursuant to this act shall be an absolute or fee simple title, unless a lesser title shall be designated in the eminent domain proceedings. The authority may exercise the right of eminent domain in the manner provided by law for the exercise of such right by second class A counties. If any of the real property to be acquired has, prior to acquisition, been devoted to another public use, it may, nevertheless, be acquired by condemnation, except that no real property belonging to a city, to a county or to the Commonwealth may be acquired without the consent of the city, county or the

1 Commonwealth. No real property belonging to a public utility  
2 corporation may be acquired without the approval of the Public  
3 Utility Commission.

4 Section 4. Blighted property.

5 (a) General rule.--In addition to the powers contained in  
6 the act of August 23, 1967 (P.L.251, No.102), known as the  
7 Economic Development Financing Law, and subject to section 3 of  
8 this act, an authority shall have the power to acquire, by  
9 purchase, gift, bequest, eminent domain or otherwise, blighted  
10 property located either within or outside of a certified  
11 redevelopment area. An authority also shall have the power to  
12 hold, clear, manage and dispose of blighted property for  
13 residential and related reuse and for commercial or industrial  
14 reuse. This power shall be exercised in accord with the  
15 procedures set forth in this act.

16 (b) Property review committee.--The power conferred in  
17 subsection (a) shall be conditioned upon creation or existence  
18 of a property review committee by resolution of the governing  
19 body of the county where the property is located, and the review  
20 committee shall be responsible for determining whether the  
21 property constitutes blighted property. The committee shall be  
22 made up of members as determined in the resolution, but shall  
23 include at least one member of the governing body of the county,  
24 a representative of the authority, a representative of the  
25 appropriate county planning commission, and a representative to  
26 be designated by the chief executive officer or officers from  
27 the executive branch of the government of the municipality.

28 (c) Rules for certification.--The property review committee,  
29 upon making a determination that any property is blighted, must  
30 certify the blighted property to the authority, except that:

1           (1) No property shall be certified to the authority  
2 unless it is vacant or substantially vacant.

3           (2) No property shall be certified to the authority  
4 unless the owner of the property or an agent designated by  
5 the owner for receipt of service of notices has been served  
6 with notice of the determination that the property is  
7 blighted, together with an appropriate order to eliminate the  
8 conditions causing the blight and notification that failure  
9 to do so may render the property subject to condemnation  
10 under this act. The notice shall be served upon the owner or  
11 his agent in accord with the provisions of a local ordinance  
12 pertaining to service of notice of determination of a public  
13 nuisance. The owner or his agent shall have the right of  
14 appeal from the determination in the same manner as an appeal  
15 from the determination of public nuisance.

16           (3) No blighted property shall be certified to the  
17 authority until the time period for appeal has been expressly  
18 waived or has expired and no appeal has been taken, or if an  
19 appeal has been taken, until the appeal has been disposed of  
20 and the owner or his agent has failed to comply with the  
21 order of the responsible department, officer or agency.

22           (d) Resolution required.--Power of eminent domain shall be  
23 exercised pursuant to a resolution of the authority and the  
24 procedure set forth in the act of June 22, 1964 (Sp.Sess.,  
25 P.L.84, No.6), known as the Eminent Domain Code.  
26 Section 5. Effective date.

27           This act shall take effect immediately.