

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2120 Session of
2014

INTRODUCED BY MASSER, JAMES, MICOZZIE, MILLARD, READSHAW,
SCHLOSSBERG, PICKETT, THOMAS, FLYNN, LUCAS, YOUNGBLOOD,
BIZZARRO, V. BROWN, MULLERY, FARINA, GOODMAN, GINGRICH,
GIBBONS, SNYDER, MCGEEHAN, COX, SAINATO, PAINTER, WATSON,
HEFFLEY, MURT, DeLUCA, COHEN, CALTAGIRONE, ROEBUCK, CRUZ AND
HARHAI, MARCH 19, 2014

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, OCTOBER 6, 2014

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in neighborhood blight and reclamation
3 and revitalization, further providing for definitions, for
4 asset attachment, for duty of out-of-State owners of property
5 in this Commonwealth and for duty of association and trust
6 owners.

7 The General Assembly of the Commonwealth of Pennsylvania

8 hereby enacts as follows:

9 Section 1. Sections 6103, 6112(b), 6113 and 6114 of Title 53
10 of the Pennsylvania Consolidated Statutes are amended to read:

11 § 6103. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Agent." Any director, officer, servant, employee or other
16 person authorized to act in behalf of a corporation or
17 association and, in the case of an unincorporated association, a

1 member of such association.

2 "Building." A residential, commercial or industrial building
3 or structure and the land appurtenant to it.

4 ["Code." A building, housing, property maintenance, fire,
5 health or other public safety ordinance enacted by a
6 municipality. The term does not include a subdivision and land
7 development ordinance or a zoning ordinance enacted by a
8 municipality.]

9 "Corporation." The term does not include a municipal
10 authority.

11 "Court." The appropriate court of common pleas.

12 "Mortgage lender." A business association defined as a
13 "banking institution" or "mortgage lender" under 7 Pa.C.S. Ch.
14 61 (relating to mortgage loan industry licensing and consumer
15 protection) that is in possession of or holds title to real
16 property pursuant to, in enforcement of or to protect rights
17 arising under a mortgage, mortgage note, deed of trust or other
18 transaction that created a security interest in the real
19 property.

20 "Municipal code" or "code." A building, housing, property
21 maintenance, fire, health or other public safety ordinance,
22 related to the use or maintenance of real property, enacted by a
23 municipality. The term does not include a subdivision and land
24 development ordinance or a zoning ordinance enacted by a
25 municipality.

26 "Municipality." A city, borough, incorporated town, township
27 or home rule, optional plan or optional charter municipality or
28 municipal authority in this Commonwealth and any entity formed
29 pursuant to Subchapter A of Chapter 23 (relating to
30 intergovernmental cooperation).

1 "Municipal permits." Privileges relating to real property
2 granted by a municipality, including, but not limited to,
3 building permits, exceptions to zoning ordinances and occupancy
4 permits. The term includes approvals pursuant to land use
5 ordinances other than decisions on the substantive validity of a
6 zoning ordinance or map or the acceptance of a curative
7 amendment.

8 "Owner." A holder of the title to residential, commercial or
9 industrial real estate, ~~other than~~ including a mortgage <--
10 lender, who possesses and controls the real estate. The term
11 includes, but is not limited to, heirs, assigns, beneficiaries
12 and lessees, provided this ownership interest is a matter of
13 public record.

14 "Public nuisance." Property which, because of its physical
15 condition or use, is regarded as a public nuisance at common law
16 or has been declared by the appropriate official a public
17 nuisance in accordance with a municipal code.

18 "Serious violation." A violation of a State law or a code
19 that poses an imminent threat to the health and safety of a
20 dwelling occupant, occupants in surrounding structures or a
21 passersby.

22 "State law." A statute of the Commonwealth or a regulation
23 of an agency charged with the administration and enforcement of
24 Commonwealth law.

25 "Substantial step." An affirmative action as determined by a
26 property code official or officer of the court on the part of a
27 property owner or managing agent to remedy a serious violation
28 of a State law or municipal code, including, but not limited to,
29 physical improvements or repairs to the property, which
30 affirmative action is subject to appeal in accordance with

1 applicable law.

2 "Tax delinquent property." Tax delinquent real property as
3 defined under:

4 (1) the act of July 7, 1947 (P.L.1368, No.542), known as
5 the Real Estate Tax Sale Law;

6 (2) the act of May 16, 1923 (P.L.207, No. 153), referred
7 to as the Municipal Claim and Tax Lien Law; or

8 (3) the act of October 11, 1984 (P.L.876, No.171), known
9 as the Second Class City Treasurer's Sale and Collection Act,
10 located in any municipality in this Commonwealth.

11 § 6112. Asset attachment.

12 * * *

13 (b) Construction.--Nothing in this section shall be
14 construed to authorize, in the case of an owner that is [an] a
15 corporation, association or trust, a lien on the individual
16 assets of the general partner, agent or trustee, except as
17 otherwise allowed by law, limited partner, shareholder, member
18 or beneficiary of the association or trust.

19 § 6113. Duty of out-of-State owners of property in this
20 Commonwealth.

21 A person or other responsible party who lives or has a
22 principal place of residence outside this Commonwealth, who owns
23 or is responsible for property in this Commonwealth against
24 which code violations have been cited and the person is charged
25 under 18 Pa.C.S. (relating to crimes and offenses), and who has
26 been properly notified of the violations may be extradited to
27 this Commonwealth to face criminal prosecution to the full
28 extent allowed and in the manner authorized by 42 Pa.C.S. Ch. 91
29 (relating to detainers and extradition).

30 § 6114. Duty of corporation, association and trust owners.

1 Where, after reasonable efforts, service of process for a
2 notice or citation for any code violation for any real property
3 owned by [an] a corporation, association or trust cannot be
4 accomplished by handing a copy of the notice or citation to an
5 agent, executive officer, partner or trustee of the corporation,
6 association or trust or to the manager, trustee or clerk in
7 charge of the property, the delivery of the notice or citation
8 may occur by registered, certified or United States Express
9 mail, accompanied by a delivery confirmation:

10 (1) To the registered office of the corporation,
11 association or trust.

12 (2) Where the corporation, association or trust does not
13 have a registered office, to the mailing address used for
14 real estate tax collection purposes, if accompanied by the
15 posting of a conspicuous notice to the property and by
16 handing a copy of the notice or citation to the person in
17 charge of the property at that time.

18 (3) In the case of a corporation, notice shall be sent
19 to the registered office on file with the Department of
20 State.

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