

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1310 Session of 2017

INTRODUCED BY PETRI, D. COSTA, DAY, JAMES, MILLARD AND WHEELAND,
MAY 2, 2017

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MAY 2, 2017

AN ACT

1 Amending the act of May 16, 1923 (P.L.207, No.153), entitled "An
2 act providing when, how, upon what property, and to what
3 extent, liens shall be allowed for taxes and for municipal
4 improvements, for the removal of nuisances, and for water
5 rents or rates, sewer rates, and lighting rates; for the
6 procedure upon claims filed therefor; the methods for
7 preserving such liens and enforcing payment of such claims;
8 the effect of judicial sales of the properties liened; the
9 distribution of the proceeds of such sales, and the
10 redemption of the property therefrom; for the lien and
11 collection of certain taxes heretofore assessed, and of
12 claims for municipal improvements made and nuisances removed,
13 within six months before the passage of this act; and for the
14 procedure on tax and municipal claims filed under other and
15 prior acts of Assembly," further providing for lien for
16 taxes.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 4 of the act of May 16, 1923 (P.L.207,
20 No.153), referred to as the Municipal Claim and Tax Lien Law, is
21 amended to read:

22 Section 4. (a) (1) The lien for taxes shall exist in favor
23 of, and the claim therefor may be filed against the property
24 taxed by, any municipality to which the tax is payable.

25 (2) The lien for the removal of nuisances shall exist in

1 favor of, and the claim therefor may be filed against the
2 property from which it is removed, or by which it is caused, by,
3 any municipality by or for which the nuisance is removed.

4 (3) The lien for grading, guttering, paving, macadamizing,
5 or otherwise improving the cartways of any highways; for
6 grading, curbing, recurbing, paving, repaving, constructing, or
7 repairing the footways thereof; or for laying water pipes, gas
8 pipes, culverts, sewers, branch sewers, or sewer connections in
9 any highway; for assessments for benefits in the opening,
10 widening, or vacation thereof; or in the changing of
11 watercourses or construction of sewers through private lands; or
12 in highways of townships of the first class; or in the
13 acquisition of sewers and drains constructed and owned by
14 individuals or corporations, and of rights in and to use the
15 same; or for water rates, lighting rates, or sewer rates, or
16 rates for any other service furnished by a municipality,--shall
17 exist in favor of, and the claim therefor may be filed against
18 the property thereby benefited by, the municipality extending
19 the benefit; or the city, borough, or township in which the
20 property is located, if the work, material or service forming
21 the basis of such lien was supplied by a municipal authority
22 organized by a city of the second class, by a county of the
23 second class or by a city of the third class and such liens or
24 the claim therefor has been assigned to it.

25 (b) Municipal authorities organized by cities of the second
26 class, by counties of the second class or by cities of the third
27 class are hereby authorized to assign their municipal claims and
28 their liens to the city, borough, or township in which the
29 property subject thereto is located, and cities, boroughs and
30 townships in which such property is located are hereby

1 authorized to purchase the same. Upon such assignment or
2 purchase the city, borough, or township acquiring such municipal
3 claim or lien shall have the same rights thereunder as if it had
4 supplied the work, material or service upon which such municipal
5 claim or lien is based.

6 (c) When the contractor performing the work is to be paid by
7 assessment bills, the lien shall exist for, and the claim shall
8 be filed to, his use, and he shall under no circumstances have
9 recourse to the municipality authorizing the work.

10 (d) (1) Where municipal water or sewer service is provided
11 through a separate meter to a residential dwelling unit in which
12 the owner does not reside, the owner's duty to pay a tenant's
13 bill for service rendered to the tenant by the municipality and
14 the lien therefor shall exist only if the municipality notifies
15 the owner and the tenant within thirty days after the bill first
16 becomes overdue. Notification shall be provided by first class
17 mail to the address of the owner given to the municipality by
18 the owner and to the billing address of the tenant,
19 respectively.

20 (2) Nothing in paragraph (1) shall be construed to require a
21 municipality to terminate service to a tenant.

22 (e) (1) The owner shall not be liable by lien or otherwise
23 for the cost of service the municipality or municipal authority
24 provides to the tenant ninety or more days after the tenant's
25 bill first becomes overdue.

26 (2) Nothing in this subsection shall be construed to require
27 a municipality or municipal authority to terminate service to a
28 tenant as a result of an overdue bill for service.

29 (f) (1) In a city of the first class where the city owns a
30 gas utility, the city shall provide notice of a tenant's

1 delinquency and the amount and rate of penalty and late fees to
2 the owner of the property.

3 (2) Notification shall be given to the owner of the property
4 at least twenty days prior to the filing of any municipal claim
5 or lien to recover delinquent payments, penalties and late fees.

6 (3) Notification shall be provided by first class mail to
7 the address of the owner provided to the city of the first class
8 by the owner and to the billing address of the tenant,
9 respectively.

10 (4) Nothing in paragraph (3) shall be construed to require a
11 city of the first class to terminate service to a tenant.

12 (5) The owner of the property shall not be liable by lien or
13 otherwise for service the city of the first class provides to
14 the tenant ninety or more days after the tenant's bill first
15 becomes overdue.

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