

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 773** Session of
2015

INTRODUCED BY MASSER, COHEN, HELM, KORTZ, JAMES, MILLARD,
GODSHALL, HEFFLEY, SCHLOSSBERG, LAWRENCE, FLYNN, BROWNLEE,
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MARCH 10, 2015

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 13, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 providing for ten-year limitation and for mesne profits and
4 further providing for twenty-one year limitation.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding sections to read:

9 § 5527.1. Ten-year limitation.

10 (a) Adverse possession.--Title to real property may be
11 acquired after no less than 10 years of actual, continuous,
12 exclusive, visible, notorious, distinct and hostile possession
13 of the real property.

14 (b) Contiguous lots.--

15 (1) Where an additional lot abuts and is contiguous to
16 real property and has been regularly used as part of and
17 incident to the real property, a possessor who seeks to

1 acquire title to real property under this section may also
2 include the contiguous lot in the action to quiet title under
3 subsection (c).

4 (2) In order to acquire title to the contiguous lot, the
5 possessor must show that:

6 (i) The area of the contiguous lot as described by
7 the metes and bounds does not exceed a total area of
8 one-half acre when combined with the real property.

9 (ii) The possessor has made actual, continuous,
10 exclusive, visible, notorious, distinct and hostile
11 possession of the contiguous lot for a period of not less
12 than 10 years.

13 (c) Quiet title action required.--

14 (1) A possessor who seeks to acquire title to real
15 property under this section must, after meeting the
16 requirements of subsections (a) and (b), commence a quiet
17 title action and provide notice as required in this section.

18 (2) Notice of the action shall include information
19 relating to the respondent's opportunity to cure as specified
20 in subsection (d) and shall be provided to the record owners,
21 their heirs, successors and assigns.

22 (3) Notice shall be provided in a form approved by rule
23 of the Pennsylvania Supreme Court, which form shall include
24 the metes and bounds description, deed reference, street
25 address, postal zip code, uniform parcel identifier or tax
26 parcel number and the notices of the one-year period to cure
27 as stated in subsection (d).

28 (d) One-year notice.--

29 (1) The record owners or their heirs, successors and
30 assigns shall have one year in which to respond by commencing

1 an action in ejectment against the possessor, which action
2 disputes the claim of adverse possession.

3 (2) (i) If an action in ejectment is so filed and
4 served in accordance with the requirements of this
5 section and the verdict and judgment in the ejectment
6 action are rendered in favor of the record owners, or
7 their heirs, successors and assigns, then both the 10-
8 year statute of limitations set forth in this section and
9 the 21-year statute of limitations set forth in section
10 5530 (relating to twenty-one year limitation) are tolled,
11 and the court shall render a judgment in favor of the
12 record owners, or their heirs, successors and assigns,
13 disposing of the quiet title action.

14 (ii) The period for running the statute of
15 limitations for any subsequent claim seeking title by
16 adverse possession under this section or section 5530
17 shall commence at a date not earlier than the date of the
18 judgment granting the relief requested in the ejectment
19 action.

20 (3) If no action in ejectment is so filed and served
21 within the one-year period, then judgment may be entered by
22 the court granting title to the real property by adverse
23 possession pursuant to this section and the Pennsylvania
24 Rules of Civil Procedure.

25 (4) A judgment granting title by adverse possession
26 pursuant to this section shall not, in and of itself:

27 (i) discharge, terminate or give rise to a
28 presumption of satisfaction or release of any interest in
29 the property that runs with title to the property,
30 including, but not limited to, easements, profits,

1 covenants, mortgages, liens, judgments and leases; or <--
2 (ii) otherwise extend or limit the period of time in
3 which claims relating to the property may be asserted
4 against a possessor granted title by a judgment of
5 adverse possession-; OR <--
6 (III) SUPERCEDE ANY APPLICABLE PROVISION OF LAW,
7 INCLUDING, BUT NOT LIMITED TO, THE ACT OF JULY 31, 1968
8 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA
9 MUNICIPALITIES PLANNING CODE, OR ZONING CODE OF A CITY OF
10 THE FIRST CLASS OR CITY OF THE SECOND CLASS AS THE CASE
11 MAY BE, AND ANY SUBDIVISION OR LAND USE ORDINANCE, TO THE
12 EXTENT APPLICABLE, THEN IN EFFECT IN THE JURISDICTION
13 WHERE THE SUBJECT PROPERTY IS LOCATED. NOTHING CONTAINED
14 IN THIS SECTION SHALL LIMIT THE OTHERWISE APPLICABLE
15 JURISDICTION OF ANY ZONING OFFICER, ZONING HEARING BOARD,
16 ZONING BOARD OF ADJUSTMENT OR GOVERNING BODY WITH RESPECT
17 TO THE SUBJECT PROPERTY.
18 ~~(e) Limitations.~~ <--
19 ~~(1) This section shall not apply to real property that~~
20 (E) LIMITATIONS.--THIS SECTION SHALL NOT APPLY TO REAL <--
21 PROPERTY THAT is part of a common interest ownership community
22 established under 68 Pa.C.S. Pt. II Subpts. B (relating to
23 condominiums), C (relating to cooperatives) and D (relating to
24 planned communities).
25 ~~(2) Relief may be granted under this section only if the~~ <--
26 ~~relief is consistent with the existing zoning plan and with~~
27 ~~any duly adopted land use ordinance or other provision.~~
28 ~~(f) Definition. As used in this section, "real property"~~
29 ~~means real estate not exceeding one half acre in area that is:~~
30 (F) NONAPPLICABILITY.--THIS SECTION SHALL NOT APPLY TO REAL <--

1 PROPERTY THAT IS:

2 (1) PART OF A COMMON INTEREST OWNERSHIP COMMUNITY
3 ESTABLISHED UNDER 68 PA.C.S. PT. II SUBPT. B (RELATING TO
4 CONDOMINIUMS), C (RELATING TO COOPERATIVES) OR D (RELATING TO
5 PLANNED COMMUNITIES); OR

6 (2) OWNED BY THE UNITED STATES, THE COMMONWEALTH, A
7 LOCAL GOVERNMENT, OR ANY AGENCY, AUTHORITY OR OTHER UNIT OF
8 THE UNITED STATES, THE COMMONWEALTH, OR LOCAL GOVERNMENT,
9 INCLUDING, BUT NOT LIMITED TO, A REDEVELOPMENT AUTHORITY,
10 MUNICIPAL AUTHORITY AND SCHOOL DISTRICT, OR JOINT AGENCY OR
11 AUTHORITY OF THE UNITED STATES, THE COMMONWEALTH, OR LOCAL
12 GOVERNMENT UNIT.

13 (G) NONEXCLUSIVE REMEDY.--THE RELIEF AVAILABLE UNDER THIS
14 SECTION IS INTENDED TO BE CUMULATIVE AND NOT EXCLUSIVE OF ANY
15 OTHER RIGHTS OR REMEDIES THAT MAY BE AVAILABLE UNDER LAW OR
16 EQUITY, INCLUDING, BUT NOT LIMITED TO, THE DETERMINATION OF
17 TITLE TO A DECEDENT'S INTEREST IN REAL ESTATE PURSUANT TO 20
18 PA.C.S. § 3546 (RELATING TO DETERMINATION OF TITLE TO DECEDENT'S
19 INTEREST IN REAL ESTATE).

20 (H) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
21 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
22 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

23 "REAL PROPERTY." REAL ESTATE NOT EXCEEDING ONE-HALF ACRE IN
24 AREA THAT IS:

25 (1) Improved by a single-family dwelling that is and has
26 been occupied by a possessor seeking title under this section
27 for the full 10 years.

28 (2) Identified as a separate lot in a recorded
29 conveyance, recorded subdivision plan or recorded official
30 map or plan of a municipality.

1 "SINGLE-FAMILY DWELLING." A RESIDENCE DESIGNED FOR OCCUPANCY <--
2 BY ONE HOUSEHOLD, WHETHER DETACHED FROM OR ATTACHED TO OTHER
3 STRUCTURES.

4 § 5527.2. Mesne profits.

5 (a) General rule.--Record owners, their heirs, successors
6 and assigns shall have the right to seek any mesne profits in an
7 action in ejectment filed in response to the notice served under
8 section 5527.1 (relating to ten-year limitation) or waive the
9 right to such recovery.

10 (b) Limitation on recovery.--Recovery shall be limited to
11 the mesne profits applicable to the six-year period ending with
12 the commencement of the action in ejectment under section
13 5527(b) (relating to six year limitation).

14 § 5527.3. Reimbursement.

15 The defendant in the ejectment action under section 5527.1
16 (relating to ten-year limitation) shall have the right to
17 recover such costs for maintenance, improvements, repairs,
18 renovations, taxes or other such expenses to benefit the real
19 property as the defendant can prove by a preponderance of the
20 evidence that were or should have been the responsibility of the
21 record owners, their heirs, successors and assigns.

22 Section 2. Section 5530(a)(1) of Title 42 is amended to
23 read:

24 § 5530. Twenty-one year limitation.

25 (a) General rule.--The following actions and proceedings
26 must be commenced within 21 years:

27 (1) [An] Except as provided in section 5527.1 (relating
28 to ten-year limitation), an action for the possession of real
29 property.

30 * * *

1 Section 3. This act shall take effect in one year.