

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2239 Session of  
2015

INTRODUCED BY HARHAI, KOTIK, SCHLOSSBERG, DUNBAR, GIBBONS,  
HENNESSEY, READSHAW AND CALTAGIRONE, JULY 1, 2016

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JULY 1, 2016

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in neighborhood blight reclamation and  
3 revitalization, establishing a grant program for  
4 municipalities to establish code enforcement programs and  
5 hire code enforcement personnel, providing for powers and  
6 duties of the Department of Community and Economic  
7 Development and for imposition of a fee and establishing the  
8 Municipal Property Maintenance Code Assistance Fund.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Chapter 61 of Title 53 of the Pennsylvania  
12 Consolidated Statutes is amended by adding a subchapter to read:

13 SUBCHAPTER B.1

14 MUNICIPAL PROPERTY MAINTENANCE CODE ASSISTANCE

15 Sec.

16 6121. Scope of subchapter.

17 6122. Legislative intent.

18 6123. Definitions.

19 6124. Code enforcement grant program.

20 6125. Imposition of fee.

21 6126. Fund.

1 6127. Report to General Assembly.

2 6128. Guidelines.

3 § 6121. Scope of subchapter.

4 This subchapter relates to municipal property maintenance  
5 code assistance.

6 § 6122. Legislative intent.

7 The purpose of this subchapter is to provide funding for  
8 individual municipalities, two or more municipalities under  
9 Subchapter A of Chapter 23 (relating to intergovernmental  
10 cooperation), councils of governments or a multimunicipal code  
11 enforcement entity, for the purpose of municipal property  
12 maintenance code enforcement within that county or region in  
13 order to prevent and eradicate blighted property conditions.

14 § 6123. Definitions.

15 The following words and phrases when used in this subchapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Blighted property." Any of the following:

19 (1) A premises that, because of physical condition or  
20 use, is regarded as a public nuisance at common law or has  
21 been declared a public nuisance in accordance with a local  
22 housing, building, plumbing, property maintenance, fire or  
23 related code and ordinance, including a nuisance and  
24 dangerous buildings ordinance.

25 (2) A premises that, because of physical condition, use  
26 or occupancy, is considered an attractive nuisance to  
27 children, including, but not limited to, an abandoned well,  
28 shaft, basement, excavation and unsafe fence or structure.

29 (3) A dwelling that, because it is dilapidated,  
30 unsanitary, unsafe, vermin infested or lacking in facilities

1 and equipment required by the housing code of a municipality,  
2 has been designated by the department responsible for  
3 enforcement of the code as unfit for human habitation.

4 (4) A structure that is a fire hazard or otherwise  
5 dangerous to the safety of persons or property.

6 (5) A structure from which the utilities, plumbing,  
7 heating, sewage or other facilities have been disconnected,  
8 destroyed, removed or rendered ineffective so that the  
9 property is unfit for its intended use.

10 (6) A vacant or unimproved lot or parcel of ground in a  
11 predominantly built-up neighborhood that by reason of neglect  
12 or lack of maintenance has become a place for accumulation of  
13 trash and debris or a haven for rodents or other vermin.

14 (7) An unoccupied property that has been or becomes tax  
15 delinquent for a period of at least two years.

16 (8) A property that is vacant, but is not tax  
17 delinquent, and has not been rehabilitated within one year of  
18 receipt of notice to rehabilitate from the appropriate code  
19 enforcement agency.

20 "Department." The Department of Community and Economic  
21 Development of the Commonwealth.

22 "Fund." The Municipal Property Maintenance Code Assistance  
23 Fund established in this subchapter.

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

30 "Municipality." A city, borough, incorporated town, township

or home rule, optional plan or optional charter municipality or  
municipal authority within this Commonwealth or any entity  
formed under Subchapter A of Chapter 23 (relating to  
intergovernmental cooperation).

§ 6124. Code enforcement grant program.

(a) Establishment.--The department shall issue grants to  
municipalities for the purpose of reducing blighted property  
conditions through:

(1) the establishment of special code enforcement  
programs to address blighted property conditions, where a  
municipal code enforcement program already exists; or

(2) the establishment of code enforcement programs and  
the hiring and training of code enforcement personnel in  
those municipalities without an existing code enforcement  
program.

(b) Competitive awards.--The department shall issue grants  
under this section to municipalities on a competitive basis  
according to the following criteria:

(1) The benefit to the municipality of having an  
adequately funded and staffed code enforcement department.

(2) Whether the municipality's building code enforcement  
department demonstrates an ability to work cooperatively with  
other local code enforcement offices, health departments and  
local prosecutorial agencies.

(3) Whether the municipality demonstrates a financial  
need for the grant.

(4) The overall condition of the real property within  
the municipality.

(c) Eligibility.--In order to receive a grant under this  
section, a municipality must submit an application acceptable to

1 the department and that addresses the criteria established under  
2 subsection (b).

3 (d) Matching funds.--A municipality shall provide its own  
4 funds or in-kind contributions, approved by the department as  
5 determined by guidelines established by the department under  
6 section 6128 (relating to guidelines), equal to the amount of  
7 the grant provided, and shall dedicate and expend those funds  
8 for the purpose for which the grant was awarded.

9 (e) Limitations.--

10 (1) Grants issued under this section shall not be  
11 provided to the same recipient for more than three  
12 consecutive years.

13 (2) No grant issued under this section may be used to  
14 pay code enforcement personnel unless the individual has  
15 acquired relevant certification or training in property  
16 maintenance.

17 § 6125. Imposition of fee.

18 (a) General rule.--A municipality administering and  
19 enforcing the act of November 10, 1999 (P.L.491, No.45), known  
20 as the Pennsylvania Construction Code Act, as provided under  
21 section 501(a) of that act, and a third-party agency providing  
22 services under section 501(e) of that act, shall assess a fee of  
23 \$1 on each construction or building permit issued under the  
24 authority of that act. The fee shall be in addition to any other  
25 fee imposed for the permit.

26 (b) Collection.--

27 (1) Money collected under subsection (a) shall be  
28 transmitted on a quarterly basis to the State Treasury and  
29 deposited in the fund established by section 6126 (relating  
30 to fund).

1       (2) The department shall use the money collected under  
2       paragraph (1) to fund the grants issued under section 6124  
3       (relating to code enforcement grant program).

4   § 6126. Fund.

5       (a) Establishment.--The Municipal Property Maintenance Code  
6       Assistance Fund is established within the State Treasury. The  
7       money in the fund is hereby appropriated to the department on a  
8       continuing basis for the purposes specified in this subchapter.

9       (b) Contents.--The fund shall consist of the fee deposited  
10       under section 6125(a) (relating to imposition of fee) and the  
11       interest earned on the fee.

12       (c) Use of funds.--The fund shall be used by the department  
13       exclusively for the purpose of issuing the grants provided for  
14       under section 6124 (relating to code enforcement grant program).  
15       The department may utilize up to 5% of the total money collected  
16       and deposited in the fund within the fiscal year to cover the  
17       administrative costs associated with the program.

18   § 6127. Report to General Assembly.

19       The department shall submit an annual report to the Urban  
20       Affairs and Housing Committee of the Senate and the Urban  
21       Affairs Committee of the House of Representatives concerning the  
22       implementation of this subchapter. The report shall include the  
23       total amount of money collected and deposited into the fund as  
24       well as the number of grants awarded and the recipients of those  
25       grants.

26   § 6128. Guidelines.

27       Within 180 days of the effective date of this section, the  
28       department shall establish guidelines to carry out the  
29       provisions of this subchapter. The guidelines to implement  
30       section 6124(b) (relating to code enforcement grant program) may

1 include, but not be limited to:

2       (1) The age of the existing housing stock in the  
3       municipality.

4       (2) The municipality's existing tax base.

5       (3) The existing financial condition of the  
6       municipality.

7       Section 2. This act shall take effect in 120 days.