

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 330 Session of 2015

INTRODUCED BY WARD, ARGALL, BLAKE, YUDICHAK, VULAKOVICH, STEFANO, WOZNIAK, WHITE, RAFFERTY, SCAVELLO AND BROWNE, JANUARY 26, 2015

SENATOR WAGNER, URBAN AFFAIRS AND HOUSING, AS AMENDED, APRIL 15, 2015

AN ACT

1 Amending ~~Title~~ TITLES 18 (CRIMES AND OFFENSES) AND 53 <--
2 (Municipalities Generally) of the Pennsylvania Consolidated
3 Statutes, IN OTHER OFFENSES, REPEALING THE OFFENSE OF <--
4 MUNICIPAL HOUSING CODE AVOIDANCE; AND, in neighborhood blight
5 reclamation and revitalization, providing for failure to
6 comply with a code requirement.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. Title 53 of the Pennsylvania Consolidated~~ <--
10 ~~Statutes is amended by adding a section to read:~~

11 SECTION 1. SECTION 7510 OF TITLE 18 OF THE PENNSYLVANIA <--
12 CONSOLIDATED STATUTES IS REPEALED:

13 [§ 7510. MUNICIPAL HOUSING CODE AVOIDANCE.

14 (A) OFFENSE DEFINED.--A PERSON COMMITS THE CRIME OF
15 MUNICIPAL HOUSING CODE AVOIDANCE IF:

16 (1) THE PERSON HAS BEEN CONVICTED OF A FOURTH OR
17 SUBSEQUENT VIOLATION OF THE SAME SUBSECTION OF A MUNICIPAL
18 HOUSING CODE FOR THE SAME PROPERTY;

19 (2) THE VIOLATION HAS BEEN CONTINUAL AND UNCORRECTED;

1 (3) THE VIOLATION POSES A THREAT TO THE PUBLIC'S HEALTH,
2 SAFETY OR PROPERTY; AND

3 (4) NO REASONABLE ATTEMPT HAS BEEN MADE BY THE PERSON TO
4 CORRECT THE VIOLATION.

5 (B) GRADING.--MUNICIPAL HOUSING CODE AVOIDANCE SHALL
6 CONSTITUTE A:

7 (1) MISDEMEANOR OF THE SECOND DEGREE WHEN THE OFFENSE IS
8 A FOURTH CONVICTION OF A VIOLATION OF THE SAME SUBSECTION
9 UNDER A MUNICIPAL HOUSING CODE RELATING TO THE SAME PROPERTY.

10 (2) MISDEMEANOR OF THE FIRST DEGREE WHEN THE OFFENSE IS
11 BASED ON FIVE OR MORE CONVICTIONS OF VIOLATIONS OF THE SAME
12 SUBSECTION UNDER A MUNICIPAL HOUSING CODE RELATING TO THE
13 SAME PROPERTY.

14 (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM
15 "MUNICIPAL HOUSING CODE" MEANS ANY MUNICIPALITY'S BUILDING,
16 HOUSING OR PROPERTY MAINTENANCE CODE OR ORDINANCE.]

17 SECTION 2. TITLE 53 IS AMENDED BY ADDING A SECTION TO READ:
18 § 6115. Failure to comply with a code requirement.

19 (a) Offense defined.--The owner of real property commits the
20 offense of failure to comply with a code requirement if all of
21 the following apply:

22 (1) The owner of real property has been convicted of a
23 second or subsequent serious violation of the same provision
24 of a municipal ~~building~~ code for the same property. <--

25 (2) The violation poses a threat to the public's health,
26 safety or property ~~or is considered a public nuisance.~~ <--

27 ~~(3) A reasonable attempt has not been made by the owner~~
28 ~~of real property AND THE OWNER HAS NOT TAKEN A SUBSTANTIAL~~ <--
29 ~~STEP to correct the violation.~~

30 (3) THE VIOLATION IS CONSIDERED A PUBLIC NUISANCE AND <--

1 THE OWNER HAS NOT MADE A REASONABLE ATTEMPT TO CORRECT THE
2 VIOLATION.

3 (b) Grading.--Failure to comply with a code requirement
4 shall constitute a:

5 (1) Misdemeanor of the second degree if the offense is a
6 second conviction of a serious violation of the same
7 provision of a municipal building code relating to the same
8 property.

9 (2) Misdemeanor of the first degree if the offense is
10 based on three or more convictions of serious violations of
11 the same provision of a municipal building code relating to
12 the same property.

13 ~~(c) Penalty.~~ <--

14 ~~(1) An owner of real property convicted under subsection~~
15 ~~(b)(1) shall be sentenced to a term of imprisonment of not~~
16 ~~less than 10 days, undergo a minimum of six months' probation~~
17 ~~and pay a fine of not less than \$1,000.~~

18 ~~(2) An owner of real property convicted under subsection~~
19 ~~(b)(2) shall be sentenced to a term of imprisonment of not~~
20 ~~less than 30 days, undergo a minimum of 12 months' probation~~
21 ~~and pay a fine of not less than \$3,000.~~

22 (C) DEFINITION.--AS USED IN THIS SECTION, "CODE REQUIREMENT" <--
23 SHALL MEAN A BUILDING, HOUSING OR PROPERTY MAINTENANCE CODE OR
24 ORDINANCE OF A MUNICIPALITY.

25 Section 2 3. All acts and parts of acts are repealed insofar <--
26 as they are inconsistent with this act.

27 Section 3 4. This act shall take effect in 60 days. <--