

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 224

Session of  
1979

INTRODUCED BY STEWART, M. R. CLARK, TELEK, WASS AND YAHNER,  
FEBRUARY 12, 1979

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 12, 1979

AN ACT

1 Amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6),  
2 entitled "An act to codify, amend, revise and consolidate the  
3 laws relating to eminent domain," further providing for  
4 measure of damages; defining certain mobile homes as real  
5 property and adding a definition.

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

8 Section 1. Section 201, act of June 22, 1964 (Sp.Sess.,  
9 P.L.84, No.6), known as the "Eminent Domain Code," is amended by  
10 adding a definition to read:

11 Section 201. Definitions.--The following words, when used in  
12 this act, unless the context clearly indicates otherwise shall  
13 have the meanings ascribed to them in this section:

14 \* \* \*

15 (12) "Natural disaster" means a natural disaster officially  
16 declared as such by the Governor of the Commonwealth of  
17 Pennsylvania.

18 Section 2. Subsections (c), (d) and (e) of section 602 of  
19 the act, amended September 27, 1973 (P.L.249, No.71), are

1 amended to read:

2 Section 602. Measure of Damages.--\* \* \*

3 (c) In case of the condemnation of property in connection  
4 with any program or project which property is damaged by  
5 [floods] any natural disaster, the damage resulting therefrom  
6 shall be excluded in determining fair market value of the  
7 condemnee's entire property interest therein immediately before  
8 the condemnation.

9 (d) In the case of property which was damaged by [the floods  
10 of September, 1971 and June, 1972] any natural disaster, an  
11 acquiring agency may acquire the entire property interest of a  
12 condemnee, except any improvements made since the date of [the  
13 floods] such natural disaster, and reconvey to the condemnee a  
14 portion of the property interest taken; in which case the damage  
15 shall be the difference between the value of the property  
16 interest acquired, excluding [flood] damage resulting from such  
17 natural disaster, and the value of the property interest  
18 reconveyed. For the purposes of this act, all mobile homes which  
19 were in use as dwellings and were destroyed, demolished or  
20 damaged beyond reasonable repair by [the] any natural [disasters  
21 of September 1971 and June 1972] disaster shall be considered to  
22 be real property.

23 (e) Subsections (c) and (d) are applicable only where the  
24 [flood] damage resulting from such natural disaster has occurred  
25 within three years prior to the initiation of negotiations for  
26 or notice of intent to acquire or order to vacate the property  
27 and during the ownership of the property by the condemnee. The  
28 [flood] damage to be excluded shall include only actual physical  
29 damage to the property for which the condemnee has not received  
30 any compensation or reimbursement.

1       Section 3. This act shall take effect immediately and shall  
2       apply to all programs or projects containing property damaged by  
3       any natural disaster which has occurred since September 1971,  
4       including the Great Flood of July, 1977.