

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 560

Session of
1981

INTRODUCED BY NAHILL, FRYER, A. C. FOSTER, JR., TRELLO AND LEVI,
FEBRUARY 10, 1981

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 10, 1981

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," changing the interest rate on unpaid
16 claims.

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

19 Section 1. The first paragraph of section 9, act of May 16,
20 1923 (P.L.207, No.153), referred to as the Municipal Claim and
21 Tax Lien Law, amended June 7, 1961 (P.L.263, No.154), is amended
22 to read:

23 Section 9. Claims for taxes, water rents or rates, lighting
24 rates, power rates, and sewer rates, must be filed in the court

1 of common pleas of the county in which the property is situated
2 unless the property is situate in the City of Philadelphia and
3 the taxes or rates do not exceed the maximum amount over which
4 the Municipal Court of Philadelphia has original jurisdiction,
5 in which event the claim must be filed in the Municipal Court of
6 Philadelphia. All such claims shall be filed on or before the
7 last day of the third calendar year after that in which the
8 taxes or rates are first payable, except that in cities and
9 school districts of the first class claims for taxes and other
10 municipal claims, which have heretofore become liens pursuant to
11 the provisions of this act or which have been entered of record
12 as liens or which have been liened and revived, shall continue
13 and remain as liens for the period of twenty years from such
14 revival, entry or lien by operation of law, whichever shall have
15 last occurred; and other municipal claims must be filed in said
16 court of common pleas or the Municipal Court of Philadelphia
17 within six months from the time the work was done in front of
18 the particular property, where the charge against the property
19 is assessed or made at the time the work is authorized; within
20 six months after the completion of the improvement, where the
21 assessment is made by the municipality upon all the properties
22 after the completion of the improvement; and within six months
23 after confirmation by the court, where confirmation is required;
24 the certificate of the surveyor, engineer, or other officer
25 supervising the improvement, filed in the proper office, being
26 conclusive of the time of completion thereof, but he being
27 personally liable to anyone injured by any false statement
28 therein. Where a borough lies in more than one county, any such
29 claim filed by such borough may be filed in each of such
30 counties. In case the real estate benefited by the improvement

1 is sold before the municipal claim is filed, the date of
2 completion in said certificate shall determine the liability for
3 the payment of the claim as between buyer and seller, unless
4 otherwise agreed upon or as above set forth. A number of years'
5 taxes or rates of different kinds if payable to the same
6 plaintiff may be included in one claim. [The legal rate of
7 interest] Interest at the rate of ten per cent per annum shall
8 be collectible on all municipal claims from the date of the
9 completion of the work after it is filed as a lien, and on
10 claims for taxes, water rents or rates, lighting rates, or sewer
11 rates from the date of the filing of the lien therefor. Where
12 the provisions of any other act relating to claims for taxes,
13 water rents or rates, lighting rates, power rates, sewer rents
14 or rates or for any other type of municipal claim or lien
15 utilizes the procedures provided in this act and where the
16 provisions of such other act establishes a rate of interest for
17 such claims or liens at a rate other than ten per cent per
18 annum, the rate of interest of ten per cent per annum
19 established in this section shall be applicable to the claims
20 and liens provided for under such other acts.

21 * * *

22 Section 2. All acts or parts of acts inconsistent with the
23 rate of interest established in the first paragraph of section 9
24 of the Municipal Claim and Tax Lien Law as amended by this act
25 are hereby repealed and superseded to the extent of such
26 inconsistency.

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