

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2614 Session of  
1990

INTRODUCED BY WOGAN, CALTAGIRONE, TRELLO, BILLOW, ALLEN, VROON,  
MAIALE, McHALE, MERRY, MOEHLMANN, BURD, SAURMAN, J. TAYLOR  
AND FARGO, MAY 29, 1990

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 29, 1990

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," regulating municipal claims and  
16 liens.

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

19 Section 1. Section 3 of the act of May 16, 1923 (P.L.207,  
20 No.153), referred to as the Municipal Claim and Tax Lien Law,  
21 amended August 1, 1963 (P.L.439, No.231), is amended to read:

22 Section 3. (a) All municipal claims which may hereafter be  
23 lawfully imposed or assessed on any property in this  
24 Commonwealth, and all such claims heretofore lawfully imposed or

1 assessed within six months before the passage of this act and  
2 not yet liened, in the manner and to the extent hereinafter set  
3 forth, shall be and they are hereby declared to be a lien on  
4 said property, together with all charges, expenses, and fees  
5 added thereto for failure to pay promptly; and said liens shall  
6 arise when lawfully imposed and assessed and shall have priority  
7 to and be fully paid and satisfied out of the proceeds of any  
8 judicial sale of said property, before any other obligation,  
9 judgment, claim, lien, or estate with which the said property  
10 may become charged, or for which it may become liable, save and  
11 except only the costs of the sale and of the writ upon which it  
12 is made, and the taxes imposed or assessed upon said property.

13 (b) With the exception of those claims which have been  
14 assigned, any municipal claim, including interest, penalty and  
15 costs, imposed by a city of the first class, shall be a [lien]  
16 judgment only against the said property [after] when the lien  
17 has been docketed by the prothonotary. The docketing of the lien  
18 shall be given the effect of a judgment against the said  
19 property only with respect to which the claim is filed as a  
20 lien. The prothonotary shall [enter the claim in the judgment  
21 index.] maintain an in rem index, the form and location of which  
22 shall be within the prothonotary's discretion. All tax claims,  
23 water rents or rates, lighting rates, power rates and sewer  
24 rates heretofore filed are hereby ratified, confirmed and made  
25 valid subsisting liens as of the date of their original filing.

26 (c) A writ of execution may issue directly without  
27 prosecution to judgment of a writ of scire facias. Any property  
28 sold in execution shall be sold in compliance with the  
29 provisions of section 31.2.

30 Section 2. This act shall take effect in 60 days.