
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2104

Session of
1999

INTRODUCED BY HABAY, REINARD, PETRONE, STURLA, STETLER, MCGEEHAN
AND HENNESSEY, DECEMBER 1, 1999

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 1, 2000

AN ACT

1 Authorizing the Commonwealth and municipalities to take action
2 to eradicate urban blight; and providing for liens and tax
3 claim hardships.

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

18 CHAPTER 1

19 GENERAL PROVISIONS

20 Section 101. Short title.

21 This act shall be known and may be cited as the Pennsylvania
22 Urban Blight Eradication Act.

23 Section 102. Legislative declaration.

24 There exists urban blight in this Commonwealth.

25 Section 103. Definitions.

26 The following words and phrases when used in this act shall
27 have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 "Serious violations." Include housing, building, property
30 maintenance or fire safety code violations that pose an

1 immediate threat to the health and safety of dwelling occupants
2 or occupants in surrounding structures and passers by.

3 "Substantial steps." An affirmative action on the part of
4 the property owner or managing agent as determined by the
5 municipality to remedy code violations, involving physical
6 improvements or preparations to the property.

7 CHAPTER 2

8 COMMONWEALTH PERMIT AND LICENSE DENIAL

9 Section 201. Authority.

10 (a) Denial.--All departments, boards and commissions shall
11 deny issuing to any applicant, any State permit, variance,
12 license or State approval for contemplated action requiring such
13 approval, if the applicant:

14 ~~(1) owns any real property in any municipality in this~~ <—
15 ~~Commonwealth which is tax delinquent;~~

16 (1) OWNS ANY REAL PROPERTY IN ANY MUNICIPALITY IN THIS <—
17 COMMONWEALTH WHICH IS DELINQUENT IN THE PAYMENT OF A REAL
18 PROPERTY TAX LEVIED BY A POLITICAL SUBDIVISION;

19 (2) owns any property in this Commonwealth that has been
20 determined to be in serious violation of applicable State or
21 municipal housing, building, property maintenance or fire
22 safety code requirements, and has not taken substantial steps
23 to bring the property into code compliance. All municipal
24 variances, approvals, permits or licenses may be withheld
25 until such time as the applicant satisfactorily demonstrates
26 that all real property owned by the applicant in this
27 Commonwealth is not tax delinquent, is in code compliance or
28 that substantial steps have been taken to bring the property
29 into code compliance; or

30 (3) any violation of any applicable State or municipal

1 housing, building, property maintenance or fire safety code
2 requirements for which the property owner has taken no
3 substantial steps to correct within six months following
4 notification of the violation.

5 (b) Dissemination.--The Commonwealth is authorized to
6 provide, upon request of a municipality or resident of this
7 Commonwealth, a list of the names and addresses of any property
8 owners with property maintenance code violations or tax
9 delinquencies or both.

10 CHAPTER 3

11 PRIVATE ASSET ATTACHMENT

12 Section 301. Authority.

13 In addition to the remedies contained in other statutes, a
14 municipality may institute in personam actions or proceedings at
15 law or in equity against the legal owner or owner of record of
16 any building, housing or land in serious violation of any
17 ordinance regarding building and housing codes. Any action
18 against the owner of record shall be for an amount equal to any
19 penalties and any amount expended by the municipality in abating
20 the violation. An in personam action may also be initiated
21 pursuant to this section for a continuing violation for which
22 the legal owner of record takes no substantial steps as defined
23 in section 102 to correct, within six months following
24 notification of any violation.

25 CHAPTER 4

26 STATEWIDE COMPUTER REGISTRY

27 Section 401. Short title of chapter.

28 This chapter shall be known and may be cited as the Property
29 Maintenance Code Violations Registry Act.

30 Section 402. Legislative intent.

1 It is the intent of the General Assembly to eliminate the
2 neighborhood blight caused by real property owners who fail to
3 comply with municipal property maintenance codes. Neighborhood
4 blight may be partially eliminated by giving the Commonwealth
5 and municipalities access to information pertaining to the
6 current property maintenance code violations of property owners
7 applying for State and municipal permits. Access to this
8 information can be facilitated by the creation of a Statewide
9 central registry which contains a comprehensive listing of real
10 property owners along with property violations for which the
11 real property owner was convicted.

12 Section 403. Definitions.

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

16 "Applicant." Any owner of real property who applies for any
17 State license or certification or municipal permit.

18 "Commonwealth agency." The Governor, departments, boards,
19 agencies, commissions, authorities and other officers of the
20 Commonwealth, including those subject to the policy supervision
21 and control of the Governor. The term does not include any court
22 or other officer or agency of the unified judicial system or the
23 General Assembly or any of its officers and agencies.

24 "Department." The Department of Community and Economic
25 Development of the Commonwealth.

26 "License." A permit granted by the Commonwealth or one of
27 its agencies which gives permission to the applicant to
28 participate in a certain activity or exercise a certain
29 privilege.

30 "Licensing" or "certification." The issuance of a license or

1 the formal assertion in writing of some fact or qualification
2 from the Commonwealth or one of its agencies.

3 "Municipal permits." Building permits, exceptions to zoning
4 ordinances, occupancy permits and other privileges granted by a
5 municipality.

6 "Municipality." A county, city, borough, incorporated town
7 or township, including any home rule municipality.

8 "Property maintenance code." Any municipal ordinance which
9 regulates the maintenance or development of real property. The
10 term includes building codes, housing codes and public safety
11 codes.

12 "Property maintenance code violation." A violation of a
13 property maintenance code. FOR THE PURPOSES OF THIS CHAPTER, THE <—
14 TERM SHALL INCLUDE ANY TAX DELINQUENCY ON ANY REAL PROPERTY
15 OWNED IN ANY MUNICIPALITY IN THIS COMMONWEALTH.

16 Section 404. Property maintenance code violations registry.

17 (a) Establishment.--The department shall establish,
18 implement and administer a property maintenance code violations
19 registry.

20 (b) Composition.--The property maintenance code violations
21 registry shall contain property maintenance code violation
22 reports filed by municipalities under section 405.

23 Section 405. Property maintenance code violation reports.

24 (a) Municipalities to file.--Any municipality may file a
25 property maintenance code violation report for any person who
26 owns real property within that municipality with current
27 property maintenance code violations that have gone unabated for
28 90 days or more.

29 (b) Forms provided.--Property maintenance code violation
30 reports shall be made on forms provided by the department or may

1 be made electronically.

2 (c) Information included.--Property maintenance code
3 violation reports shall include the following information:

4 (1) The name of the convicted property maintenance code
5 violator.

6 (2) The Social Security number of the violator.

7 (3) The legal description of the real property which is
8 in violation of the municipal property maintenance code.

9 (4) A description of the condition of the real property
10 which resulted in the property maintenance code violation.

11 (5) The date of the original property maintenance code
12 violation.

13 (6) The amount of penalties owed or liens attached to
14 the property with maintenance code violations.

15 (7) The municipality filing the report.

16 (d) Duties of municipality.--

17 (1) Any municipality that files a property maintenance
18 code violation report shall follow the guidelines for
19 expungement under section 407.

20 (2) Every municipality shall make available to the
21 public a list of property owners that are in violation of
22 building code provisions. The list shall include the
23 addresses of the property owners.

24 Section 406. Dissemination of information by department.

25 (a) Requests by municipalities.--

26 (1) Municipalities may request a copy of any property
27 maintenance code violation report on any pending applicant
28 for any municipal permit by submitting a property maintenance
29 code violation report request form to the department or
30 making the request electronically.

1 (2) The department shall disseminate all property
2 maintenance code violation reports relating to the municipal
3 permit applicant to the requesting municipality within two
4 weeks of receipt of a property maintenance code violation
5 report request from that municipality.

6 (3) The municipality shall notify the applicant in
7 writing of the reasons for a decision which denies the
8 applicant the municipal permit requested if that decision is
9 based in whole or in part on information contained in the
10 property maintenance code violations registry.

11 (b) Requests by Commonwealth.--

12 (1) Commonwealth agencies may request a copy of any
13 property maintenance code violation report on any pending
14 applicant for licensing or certification by submitting a
15 property maintenance code violation report request form to
16 the department or making the request electronically.

17 (2) The department shall disseminate all property
18 maintenance code violation reports relating to the State
19 license or certification applicant to a requesting State
20 agency within two weeks of receipt of a property maintenance
21 code violation report request from that Commonwealth agency.

22 (3) The Commonwealth agency shall notify the applicant
23 in writing of the reasons for a decision which denies the
24 licensing or certification requested by that applicant if
25 that decision is based in whole or in part on information
26 contained in the property maintenance code violations
27 registry.

28 (c) Hearing.--If requested by the applicant, a hearing will
29 be scheduled to appeal any decision made as a result of
30 municipal property maintenance code violation convictions under

1 subsection (a)(3) or (b)(3). If the applicant can show cause why
2 the municipal property maintenance code violation convictions
3 should not be considered, the State or municipality shall
4 reevaluate the applicant's request for State licenses or
5 certifications respectively or municipal permits.

6 (d) Record of dissemination.--The department shall maintain
7 a listing of Commonwealth agencies and all municipalities that
8 requested information on a particular real property owner and
9 the date on which the information was disseminated. This
10 dissemination listing shall be maintained separately from the
11 record.

12 (e) Dissemination fee.--There shall be no fee assessed for
13 the dissemination of property maintenance code violations
14 information.

15 Section 407. Expungement.

16 Each municipality which filed a report with the department
17 shall notify the department when the real property is brought
18 into code compliance. The department shall include that
19 information as part of the official record for that specific
20 property and violator upon notification by the reporting
21 municipality.

22 Section 408. Administrative requirements.

23 (a) Registry maintenance.--The department shall be
24 responsible for the maintenance of the property maintenance code
25 violations registry and shall promulgate regulations necessary
26 for the establishment and operation of the property maintenance
27 code violations registry.

28 (b) Forms.--The department shall develop property
29 maintenance code violation report forms and property maintenance
30 code violation report request forms as well as procedures to

1 obtain the information electronically.

2 (c) Quality control.--The department shall establish
3 procedures, in compliance with regulations promulgated by the
4 Attorney General, for the completeness and accuracy of
5 information in the property maintenance code violations
6 registry.

7 Section 409. Security requirements.

8 The department shall ensure the confidentiality and security
9 of the information contained in the property maintenance code
10 violations registry by providing that:

11 (1) Procedures have been instituted to reasonably
12 protect the property maintenance code violations registry
13 from theft, fire, sabotage, flood, wind or other natural or
14 manmade disasters.

15 (2) All personnel authorized to have access to property
16 violation history record information are selected, supervised
17 and trained accordingly.

18 Section 410. Audit.

19 (a) Audit required.--The Auditor General shall conduct
20 annual performance audits of the property maintenance code
21 violations registry.

22 (b) Access to records.--Persons conducting the audit shall
23 be provided with access to all records, reports and listings
24 required to conduct an audit of property maintenance code
25 violations record information. All persons with access to such
26 information or authorized to receive information shall cooperate
27 with and provide information requested.

28 (c) Contents of audit.--The audit shall contain a report of
29 any deficiencies and any recommendations for the correction of
30 such deficiencies. The department shall respond to the audit

1 recommendations within a reasonable period of time unless the
2 audit report is appealed to the Auditor General and the appeal
3 is upheld.

4 (d) Modification of recommendations.--The Auditor General
5 shall have the power to modify the corrective measures
6 recommended by the audit upon appeal of the audit
7 recommendations by the department.

8 Section 411. Imposition of surcharge.

9 There is imposed on each individual convicted of a municipal
10 property maintenance code violation a surcharge in the amount of
11 \$10 for each municipal property maintenance code violation
12 resulting in a conviction. This surcharge shall be in addition
13 to any other applicable fees or charges lawfully collected by
14 the municipality and court. The municipality shall collect the
15 surcharge and remit all funds to the department on a quarterly
16 basis. Funds generated by the surcharge shall be used to finance
17 the Statewide implementation of the property maintenance code
18 violations registry.

19 CHAPTER 5

20 TAX CLAIM HARDSHIPS

21 Section 501. Extension of period for discharge of tax claim.

22 A municipality shall retain a lien for the total amount of
23 taxes owed on a property upon the entering of an equitable
24 apportioned payment schedule with a municipal tax claim bureau.

25 Section 502. Extension for elderly.

26 A municipality shall retain a lien for the total amount of
27 taxes owed on the property upon the entering of an equitable
28 apportioned payment schedule with a municipal tax claim bureau.

29 Section 503. Default on payments.

30 If an applicant defaults on any payment of an equitable

1 apportioned payment schedule the lien on the property shall be
2 immediately satisfied by upset sale under Article VI of the act
3 of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax
4 Sale Law.

5 Section 504. Hearing.

6 If requested by the applicant, a hearing shall be scheduled
7 to appeal any decision made as a result of the default of an
8 equitable apportioned payment. Should the applicant provide
9 sufficient reason for the default of the scheduled payment, the
10 authorized extension shall be reevaluated and reinstated under
11 this chapter.

12 Section 505. Purchaser responsibility.

13 (a) Purchaser's duties.--After the deed has been conveyed to
14 the purchaser of the property at a sheriff's sale, if the
15 property does not comply with municipal housing and building
16 code standards, then it shall be the responsibility of the
17 purchaser to:

18 (1) Commence the abatement of substandard conditions
19 within 30 days of sale confirmation.

20 (2) Bring the property into full municipal housing and
21 building code compliance within nine months of the sale
22 confirmation.

23 (b) Municipal authority.--Municipalities shall be authorized
24 to extend or reevaluate the time frames established in
25 subsection (a) as deemed necessary.

26 (c) Appeal hearing.--If requested by the purchaser, a
27 hearing shall be scheduled to appeal any decision made as a
28 result of the failure to achieve code compliance under
29 subsection (a). Should the purchaser provide sufficient reason
30 for the failure to comply with the municipal housing and

1 building code, an authorized extension shall be granted by the
2 municipality pursuant to subsection (b).

3 (d) Resale.--If the purchaser of the property fails to
4 achieve full code compliance under subsection (a), upon petition
5 of the municipality to the court of common pleas, the property
6 shall be put up for sale as the court shall direct, and the
7 purchaser shall receive the net proceeds from the resale of the
8 property in question.

9 CHAPTER 6

10 MISCELLANEOUS PROVISIONS

11 Section 601. Effective date.

12 This act shall take effect in 60 days.