

AMENDMENTS TO HOUSE BILL NO. 1437

Sponsor: REPRESENTATIVE SANTORA

Printer's No. 2460

1 Amend Bill, page 1, line 5, by inserting after "penalties,"
2 further providing for definitions; providing for issuance of
3 use and occupancy certificate; and

4 Amend Bill, page 1, lines 11 through 18; page 2, lines 1
5 through 25; by striking out all of said lines on said pages and
6 inserting

7 Section 1. Section 2 of the act of December 20, 2000
8 (P.L.724, No.99), known as the Municipal Code and Ordinance
9 Compliance Act, is amended to read:

10 Section 2. Definitions.

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

14 ["Constructive knowledge." Knowledge of a violation listed
15 on the seller's property disclosure statement made pursuant to
16 the act of July 2, 1996 (P.L.500, No.84), known as the Real
17 Estate Seller Disclosure Act, a violation appearing on a buyer's
18 notification certificate provided by a municipality or a
19 violation that is a matter of public record.]

20 "Date of purchase." The [closing] date on which title and
21 right to possess the property transfers to the purchaser or, in
22 cases where the property is sold pursuant to the act of May 16,
23 1923 (P.L.207, No.153), referred to as the Municipal Claim and
24 Tax Lien Law, the first day following the right of redemption
25 period authorized under the Municipal Claim and Tax Lien Law.

26 ["Known to have." Knowledge of a violation based on actual
27 or constructive knowledge.]

28 "Municipality." Any city, borough, incorporated town,
29 township, home rule municipality, optional plan municipality,
30 optional charter municipality or any similar general purpose
31 unit of government which may be created or authorized by
32 statute.

33 "Substantial violation." A violation of [a building,
34 housing, property maintenance or fire code, which violation
35 posed a threat to health, safety or property but not a violation
36 of such a code deemed by a court to be de minimis.] an adopted

1 building, housing, property maintenance or fire code or
2 maintenance, health or safety nuisance ordinance that makes a
3 building, structure or any part thereof unfit for human
4 habitation and is discovered during the course of a municipal
5 inspection of a property and disclosed to the record owner or
6 prospective purchaser of the property through issuance of a
7 municipal report.

8 "Temporary use and occupancy certificate." A certificate
9 issued by a municipality as a result of the municipal inspection
10 of a property incident to the resale of the property that
11 reveals a violation but no substantial violation, and the
12 purpose of the certificate is to authorize the purchaser to
13 fully utilize or reside in the property while correcting
14 violations pursuant to the maintenance and repair provisions of
15 this act.

16 "Temporary access certificate." A certificate issued by a
17 municipality as a result of the municipal inspection of a
18 property incident to the resale of the property that identifies
19 at least one substantial violation, and the purpose of the
20 certificate is to authorize the purchaser to access the property
21 for the purpose of correcting substantial violations pursuant to
22 the maintenance and repair provisions of this act. No person may
23 occupy a property during the term of a temporary certificate,
24 but the owner shall be permitted to store personalty that is
25 related to the proposed use or occupancy of the property or is
26 needed to repair the substantial violations during the time of
27 the temporary access certificate.

28 "Unfit for human habitation." A condition which renders a
29 building, structure, or any part thereof, dangerous or injurious
30 to the health, safety or physical welfare of an occupant or the
31 occupants of neighboring dwellings. The condition may include
32 substantial violations of a property that show evidence of: a
33 significant increase to the hazards of fire or accident;
34 inadequate sanitary facilities; vermin infestation; or a
35 condition of disrepair, dilapidation or structural defects such
36 that the cost of rehabilitation and repair would exceed one-half
37 of the agreed-upon purchase price of the property.

38 "Use and occupancy certificate." A certificate issued by a
39 municipality stipulating that the property meets all ordinances
40 and codes and may be used or occupied as intended.

41 "Violation." A violation of a properly adopted building,
42 housing, property maintenance or fire code or maintenance,
43 health or safety nuisance ordinance that does not rise to the
44 level of a substantial violation and is discovered during the
45 course of a municipal inspection of a property and disclosed to
46 the record owner or prospective purchaser of the property
47 through issuance of a municipal report.

48 Section 2. The act is amended by adding a section to read:
49 Section 2.1. Issuance of use and occupancy certificate.

50 (a) General rule.--A municipality requiring a use and
51 occupancy certificate shall issue the certificate in the

1 following manner:

2 (1) If the municipal inspection reveals no violations.

3 (2) If the municipal inspection reveals at least one
4 violation, but no substantial violations, the municipality
5 shall issue a temporary use and occupancy certificate.

6 (3) If the municipal inspection reveals at least one
7 substantial violation, the municipality shall specifically
8 note those items on the inspection report and shall issue a
9 temporary access certificate.

10 (b) Escrows and bonds prohibited.--A municipality may not
11 require the escrowing of funds or posting of a bond, or impose
12 any similar financial security as a condition of issuing a
13 certificate.

14 (c) Construction.--Subsection (b) shall not be construed to
15 prohibit a municipality from requiring an owner, prior to
16 accessing the property, to acquire the necessary permits and
17 meet all other related obligations in other statutes that
18 pertain to building, property maintenance, fire codes or other
19 health or safety codes.

20 Section 3. Section 3 of the act is amended to read:
21 Section 3. Compliance requirement.

22 (a) General rule.--Within 18 months of the date of [purchase
23 or longer subject to an agreement between the purchaser and the
24 municipality, any purchaser of any building, structure or part
25 of a building or structure known to have one or more substantial
26 violations of municipal codes relating to building, housing,
27 property maintenance or fire shall:] the issuance of a temporary
28 access certificate or 12 months of the date of the issuance of a
29 temporary use and occupancy certificate the purchaser, at his
30 option, shall either:

31 (1) bring the building, structure or that part of a
32 building or structure into compliance with those codes or
33 ordinances; or

34 (2) demolish the building or structure in accordance
35 with law.

36 (a.1) Negotiation of longer time periods.--At the request of
37 the property owner, the municipality may negotiate, at its
38 discretion, longer time periods for maintenance and repair of
39 the structure under a temporary certificate, but the time
40 periods stated in subsection (a) may not be shortened.

41 (a.2) Reinspection of property.--

42 (1) At the expiration of the time period set forth in
43 subsection (a) or before that time, if requested by the
44 property owner, the municipality shall reinspect the property
45 for the purpose of determining compliance with the cited
46 violations.

47 (2) If a temporary access permit has been issued and
48 reinspection indicates that the noted substantial violations
49 have been corrected but other cited violations have not yet
50 been corrected, the municipality shall issue a temporary use
51 and occupancy permit to be valid for the time remaining on

1 the original temporary access permit.

2 (3) If the reinspection indicates that all noted
3 violations have been corrected, the municipality shall issue
4 a use and occupancy certificate for the property.

5 (b) Penalty.--

6 (1) Failure to comply with the requirements of
7 subsection (a) shall result in [the]:

8 (i) Revocation of the temporary certificate.

9 (ii) The purchaser being subject to any existing
10 municipal ordinances or codes relating to the occupation
11 of a property without a use and occupancy certificate.

12 (iii) The purchaser being personally liable for the
13 costs of maintenance, repairs or demolition sufficient to
14 correct the cited violations, and a fine of not less than
15 \$1,000 and not more than \$10,000.

16 (2) Fines shall be remitted to the municipality in which
17 the building, structure or part of a building or structure is
18 located.

19 (3) In municipalities with low-income housing, not less
20 than one-third of the fine imposed specifically for code
21 violations shall be used by the municipality for low-income
22 housing in a manner determined by the municipality.

23 [(c) Nuisance ordinances.--

24 (1) Any purchaser of any lot or parcel of land known to
25 have one or more substantial violations of municipal nuisance
26 ordinances relating to maintenance, health or safety is
27 required to make a reasonable attempt to abate the nuisance
28 within one year of the date of purchase.

29 (2) Failure to comply with the requirements of this
30 subsection shall result in the purchaser being personally
31 liable for the cost of maintenance and a fine of not less
32 than \$1,000 and not more than \$10,000. Fines shall be
33 remitted to the municipality in which the lot or parcel of
34 land is located.

35 (d) Enforcement.--Local municipalities are authorized to
36 enforce the provisions of this section.

37 (e) Coordination with other requirements.--In connection
38 with the purchase of a building, structure, part of a building
39 or structure, lot or parcel of land subject to subsection (a) or
40 (c), a municipality shall not refuse to issue a use and
41 occupancy certificate or similar permit on the basis of a
42 substantial violation or require the correction of a substantial
43 violation as a condition to issuing a use and occupancy
44 certificate or similar permit unless the substantial violation
45 renders the property unfit for habitation.]

46 (f) Nonapplicability.--This section shall not apply where
47 the municipality denies the certificate or permit pursuant to 53
48 Pa.C.S. Ch. 61 (relating to neighborhood blight reclamation and
49 revitalization).

50 Amend Bill, page 2, line 26, by striking out "2" and

1 inserting

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