

AMENDMENTS TO SENATE BILL NO. 800

Sponsor: SENATOR CAPPELLETTI

Printer's No. 1116

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"
2 in procedure to condemn, providing for advanced notice to
3 condemnee; and,

4 Amend Bill, page 1, lines 7 and 8, by striking out all of
5 said lines and inserting

6 Section 1. Title 26 of the Pennsylvania Consolidated
7 Statutes is amended by adding sections to read:
8 § 305.1. Advanced notice to condemnee.

9 (a) Written advanced notice.--No less than 30 days prior to
10 the filing of a declaration of taking, the acquiring agency
11 shall give written notice to the proposed condemnee, to any
12 mortgagee of record and to any lienholder of record.

13 (b) Service.--The advanced notice shall be served in the
14 same manner as required for the notice under section 305(b)
15 (relating to notice to condemnee).

16 (c) Contents.--The advanced notice shall include:

17 (1) A statement that the acquiring agency intends to
18 file a declaration of taking for the acquisition of the
19 proposed condemnee's property no less than 30 days from the
20 date of the advanced notice.

21 (2) The name, address and contact information, including
22 a telephone number and email address, at which a
23 representative of the acquiring agency can be reached.

24 (3) The name of the proposed condemnee to whom the
25 proposed condemnation is directed.

26 (4) A statement that the proposed condemnee's property
27 or portion thereof may be condemned for purposes of the
28 acquiring agency's project.

29 (5) A brief description of the purpose of the proposed
30 condemnation, including the acquiring agency's proposed
31 project.

32 (6) A brief explanation of the condemnation process in
33 this Commonwealth, including, but not limited to, all of the
34 following:

35 (i) a statement of what eminent domain is;

36 (ii) the rights of a condemnee under law, including
37 the right to hire a lawyer to help guide the condemnee

1 through the condemnation process;
2 (iii) how just compensation is determined and made
3 or secured under law;
4 (iv) the steps the acquiring agency will take next
5 if the proposed condemnee's property is subject to a
6 declaration of taking; and
7 (v) the process by which the proposed condemnee may
8 challenge the power or the right of the acquiring agency
9 to appropriate the condemned property, the sufficiency of
10 the security, the procedure followed by the acquiring
11 agency or the declaration of taking.
12 (d) Proof of service and compliance.--Filing of a copy of
13 the advanced notice and proof of service thereof, together with
14 the filing of the declaration of taking and security as required
15 under sections 302 (relating to declaration of taking) and 303
16 (relating to security required), shall constitute compliance
17 with the notice requirements of this section.
18 (e) Publish advanced notice.--Within 24 hours of issuing its
19 first advanced notice to proposed condemnees under subsection
20 (a), an acquiring agency shall post advanced notice on its
21 publicly accessible Internet website, if available, and at its
22 principal office location, that includes, at a minimum, the
23 notices described under subsection (c) (2), (4), (5) and (6).
24 Amend Bill, page 3, line 5, by striking out "This act" and
25 inserting
26 The addition of 26 Pa.C.S. § 717