
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 440

Session of
1987

INTRODUCED BY BRIGHTBILL, MADIGAN, ROMANELLI, STOUT AND O'PAKE,
FEBRUARY 27, 1987

REFERRED TO STATE GOVERNMENT, FEBRUARY 27, 1987

AN ACT

1 Amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial
2 Procedure) and 51 (Military Affairs) of the Pennsylvania
3 Consolidated Statutes, adding provisions relating to eminent
4 domain; and making repeals.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 26 of the Pennsylvania Consolidated
8 Statutes is amended by adding chapters to read:

9 TITLE 26

10 EMINENT DOMAIN

11 Chapter

12 1. General Provisions

13 3. Procedure to Condemn

14 5. Procedure for Determining Damages

15 7. Just Compensation and Measure of Damages

16 9. Special Damages for Displacement

17 11. Evidence

18 CHAPTER 1

1 GENERAL PROVISIONS

2 Sec.

3 101. Short title of title.

4 102. Application of title.

5 103. Definitions.

6 § 101. Short title of title.

7 This title shall be known and may be cited as the Eminent
8 Domain Code.

9 § 102. Application of title.

10 This title provides a complete and exclusive procedure and
11 law to govern all condemnations of property for public purposes
12 and the assessment of damages. Nothing in this title shall
13 affect the jurisdiction or power of the Public Utility
14 Commission or any statute providing for the assessment of
15 benefits for public improvements on the properties benefited.
16 Nothing in this title shall enlarge or diminish the power of
17 condemnation given by law to any condemnor.

18 § 103. Definitions.

19 Subject to additional definitions contained in subsequent
20 provisions of this title which are applicable to specific
21 provisions of this title, the following words and phrases when
22 used in this title shall have the meanings given to them in this
23 section unless the context clearly indicates otherwise:

24 "Acquiring agency." Any entity, including the Commonwealth,
25 vested with the power of eminent domain by the laws of this
26 Commonwealth.

27 "Acquisition cost." General damages or, in the event of
28 amicable acquisition, the price paid by the acquiring agency.

29 "Business." Any lawful activity, except a farm operation,
30 conducted:

1 (1) primarily for the purchase, sale, lease or rental of
2 personal or real property or for the manufacture, processing
3 or marketing of products, commodities or any other personal
4 property;

5 (2) primarily for the sale of services to the public;

6 (3) by a nonprofit organization; or

7 (4) solely for the purpose of qualification for damages
8 under section 901(a) and (b)(1) and (5) (relating to moving
9 and related expenses of displaced persons) for assisting in
10 the purchase, sale, resale, manufacture, processing or
11 marketing of products, commodities, personal property or
12 services by the erection and maintenance of an outdoor
13 advertising display whether or not the display is located on
14 the premises on which any of the above activities are
15 conducted.

16 "Condemn." To take, injure or destroy property by authority
17 of law for a public purpose.

18 "Condemnee." The owner of a property interest taken, injured
19 or destroyed. The term does not include a mortgagee, judgment
20 creditor or other lienholder.

21 "Condemnor." The acquiring agency, including the
22 Commonwealth, that takes, injures or destroys property by
23 authority of law for a public purpose.

24 "Court." The court of common pleas.

25 "Displaced person." Any condemnee or other person not
26 illegally in occupancy of real property on or before the date of
27 acquisition who moves from the real property, moves his personal
28 property from the real property or moves or discontinues a
29 business or farm operation for one of the following reasons:

30 (1) The acquisition of the real property, in whole or in

part, for a program or project.

(2) Written notice from the acquiring agency of intent to acquire or order to vacate the real property.

(3) Solely for the purpose of section 901(a) and (b)(1) and (5) (relating to moving and related expenses of displaced persons), the acquisition or written notice of intent to acquire or order to vacate the real property on which the person conducts a business or farm operation.

A displaced person shall include a person who was in occupancy of the real property on the date of acquisition notwithstanding the termination or expiration of a lease entered into before or after the acquisition or written notice from the acquiring agency of intent to acquire or order to vacate the real property.

"Farm operation." Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing these products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

"Natural disaster." A disaster officially declared as a natural disaster by the Governor.

"Personal property." Any tangible property not considered to be real property for purposes of general damages under the laws of this Commonwealth.

"Program or project." Any program or project undertaken by or for an acquiring agency as to which it has the authority to exercise the power of eminent domain.

CHAPTER 3

PROCEDURE TO CONDEMN

1 Sec.
2 301. Venue.
3 302. Declaration of taking.
4 303. Security required.
5 304. Recording notice of condemnation.
6 305. Notice to condemnee.
7 306. Preliminary objections.
8 307. Possession, right of entry and payment of compensation.
9 308. Revocation of condemnation proceedings.
10 309. Right to enter property prior to condemnation.
11 310. Abandonment of project.

12 § 301. Venue.

13 All condemnation proceedings shall be brought in the court of
14 the county in which the property is located or, if the property
15 is located in two or more counties, in the court of any one of
16 the counties. Where the property is located in two or more
17 counties and a proceeding is commenced in the court of one of
18 the counties, all subsequent proceedings regarding the same
19 property shall be brought in the same county.

20 § 302. Declaration of taking.

21 (a) Condemnation and passage of title.--Condemnation under
22 the power of condemnation given by law to a condemnor shall be
23 effected only by the filing in court of a declaration of taking
24 with the security required under section 303(a) (relating to
25 security required). The title which the condemnor acquires in
26 the property condemned shall pass to the condemnor on the date
27 of the filing and the condemnor shall be entitled to possession
28 under section 307 (relating to possession, right of entry and
29 payment of compensation).

30 (b) Contents.--The declaration of taking shall be in writing

1 and executed by the condemnor and shall be captioned as a
2 proceeding in rem and contain the following:

3 (1) The name and address of the condemnor.

4 (2) A specific reference to the statute and section
5 under which the condemnation is authorized.

6 (3) A specific reference to the action, whether by
7 ordinance, resolution or otherwise, by which the declaration
8 of taking was authorized, including the date when the action
9 was taken and the place where the record may be examined.

10 (4) A brief description of the purpose of the
11 condemnation.

12 (5) A description of the property condemned sufficient
13 for identification, specifying the municipal corporation and
14 the county or counties where the property taken is located, a
15 reference to the place of recording in the office of the
16 recorder of deeds of plans showing the property condemned or
17 a statement that plans showing the property condemned are on
18 the same day being lodged for record or filed in the office
19 of the recorder of deeds in the county in accordance with
20 section 304 (relating to recording notice of condemnation).

21 (6) A statement of the nature of the title acquired, if
22 any.

23 (7) A statement specifying where a plan showing the
24 condemned property may be inspected in the county in which
25 the property taken is located.

26 (8) A statement of how just compensation has been made
27 or secured.

28 (c) More than one property included in declaration.--The
29 condemnor may include in one declaration of taking any or all of
30 the properties specified in the action by which the declaration

1 of taking was authorized.

2 (d) Fee.--The prothonotary shall charge one fee for filing
3 each declaration of taking, which shall be the same regardless
4 of the number of properties or condemnees included.

5 (e) Filing.--The condemnor shall file within one year of the
6 action authorizing the declaration of taking a declaration of
7 taking covering all properties included in the authorization not
8 otherwise acquired by the condemnor within this time.

9 § 303. Security required.

10 (a) Bond.--Except as provided in subsection (b), every
11 condemnor shall give security to effect the condemnation by
12 filing with the declaration of taking its bond, without surety,
13 to the Commonwealth for the use of the owner of the property
14 interests condemned, the condition of which shall be that the
15 condemnor shall pay the damages determined by law.

16 (b) Pledge of tax revenues.--Where a condemnor has the power
17 of taxation, it shall not be required to file a bond with the
18 declaration of taking. The funds raised, or authorized by law to
19 be raised, by the power of taxation of the condemnor shall be
20 deemed pledged and are made security for the payment of the
21 damages determined by law.

22 (c) Insufficient security.--The court, upon preliminary
23 objections of the condemnee under and within the time set forth
24 in section 306(a) (relating to preliminary objections), may
25 require the condemnor to give bond and security as the court
26 deems proper if it appears to the court that the bond or power
27 of taxation of the condemnor is not sufficient security.

28 § 304. Recording notice of condemnation.

29 (a) County of recording.--The condemnor, upon filing its
30 declaration of taking, shall on the same day lodge for record a

1 notice of the declaration in the office of the recorder of deeds
2 of the county in which the property is located. If the property
3 is located in two or more counties, the notice shall be recorded
4 in each county.

5 (b) Notice and recording requirements.--The notice shall
6 specify the court term and number of the declaration of taking
7 and the date it was filed and shall contain a description or
8 plan of the property condemned sufficient for identification and
9 the names of the owners of the property interests condemned, as
10 reasonably known to the condemnor, and shall be indexed in the
11 deed indices showing the condemnee set forth in the notice as
12 grantor and the condemnor as grantee. If plans are to be
13 recorded as part of the notice they shall be submitted on
14 standard legal size paper. If plans are to be filed as part of
15 the notice, they shall be in legible scale and filed in a
16 condemnation book or file or microfilmed, with a notation as to
17 the condemnation book and page number, file number or microfilm
18 number to be made by the recorder on the margin of the notice.
19 Upon the notice being assigned a book and page number by the
20 recorder of deeds the condemnor shall file with the prothonotary
21 under the caption of the declaration of taking a memorandum of
22 the book and page number in which the notice is recorded.

23 (c) Fees.--The recorder shall receive as a fee for recording
24 each notice the sum of \$5 plus \$1 for each page recorded after
25 the first and for filing plans \$2.50 for each page or sheet of
26 plan filed and 25¢ for each name indexed.

27 § 305. Notice to condemnee.

28 (a) Written notice.--Within 30 days after the filing of the
29 declaration of taking, the condemnor shall give written notice
30 of the filing to the condemnee.

1 (b) Service.--The notice shall be served within or without
2 this Commonwealth, by any competent adult, in the same manner as
3 in a civil action or by registered mail to the last known
4 address of the condemnee. If service cannot be made in this
5 manner, then service shall be made by posting a copy of the
6 notice upon the most public part of the property and by
7 publication of a copy of the notice, omitting the plot plan
8 required by subsection (c)(8), one time each in one newspaper of
9 general circulation and the legal journal, if any, published in
10 the county.

11 (c) Contents.--The notice to be given the condemnee shall
12 state:

13 (1) The caption of the case.

14 (2) The date of filing of the declaration of taking and
15 the court term and number.

16 (3) The name of the condemnee to whom it is directed.

17 (4) The name and address of the condemnor.

18 (5) A specific reference to the statute and section
19 under which the condemnation action is authorized.

20 (6) A specific reference to the action, whether by
21 ordinance, resolution or otherwise, by which the declaration
22 of taking was authorized, including the date when the action
23 was taken and the place where the record may be examined.

24 (7) A brief description of the purpose of the
25 condemnation.

26 (8) A statement that the condemnee's property has been
27 condemned and a reasonable identification of the property in
28 the case of a total taking and, in the case of a partial
29 taking, a plot plan showing the condemnee's entire property
30 and the area taken.

1 (9) A statement of the nature of the title acquired.

2 (10) A statement specifying where a plan showing the
3 condemned property may be inspected in the county in which
4 the property taken is located.

5 (11) A statement of how just compensation has been made
6 or secured.

7 (12) A statement that, if the condemnee wishes to
8 challenge the power or the right of the condemnor to
9 appropriate the condemned property, the sufficiency of the
10 security, the procedure followed by the condemnor or the
11 declaration of taking, he shall file preliminary objections
12 within 30 days after being served with notice of
13 condemnation.

14 (d) Compliance.--Service of a copy of the declaration of
15 taking, together with the information and notice required by
16 subsection (c)(2), (8) and (12), shall constitute compliance
17 with the notice requirements of this section.

18 (e) Proof of service.--The condemnor shall file proof of
19 service of the notice.

20 § 306. Preliminary objections.

21 (a) Filing and exclusive method of challenging certain
22 matters.--Within 30 days after being served with notice of
23 condemnation, the condemnee may file preliminary objections to
24 the declaration of taking. The court upon cause shown may extend
25 the time for filing preliminary objections. Preliminary
26 objections shall be limited to and shall be the exclusive method
27 of challenging:

28 (1) The power or right of the condemnor to appropriate
29 the condemned property unless it has been previously
30 adjudicated.

1 (2) The sufficiency of the security.

2 (3) The declaration of taking.

3 (4) Any other procedure followed by the condemnor.

4 (b) Waiver.--Failure to raise by preliminary objections the
5 issues listed in subsection (a) shall constitute a waiver.

6 (c) Grounds to be stated.--Preliminary objections shall
7 state specifically the grounds relied on.

8 (d) When raised.--All preliminary objections shall be raised
9 at one time and in one pleading. They may be inconsistent.

10 (e) Service.--The condemnee shall serve a copy of the
11 preliminary objections on the condemnor within 72 hours after
12 filing them.

13 (f) Disposition.--The court shall determine promptly all
14 preliminary objections and make preliminary and final orders and
15 decrees as justice shall require, including the revesting of
16 title. If an issue of fact is raised, the court shall take
17 evidence by depositions or otherwise. The court may allow
18 amendment or direct the filing of a more specific declaration of
19 taking.

20 (g) Costs, expenses and damages.--If preliminary objections
21 which have the effect of terminating the condemnation are
22 sustained, the condemnee shall be reimbursed by the condemnor
23 for reasonable appraisal, attorney and engineering fees and
24 other costs and expenses actually incurred and for any damages
25 for losses sustained because of the condemnation proceedings.
26 These costs, expenses and damages shall be assessed by the court
27 unless either party within 30 days after the entry of the order
28 sustaining the preliminary objections demands a jury trial to
29 determine any damages for losses sustained by the condemnee.

30 § 307. Possession, right of entry and payment of compensation.

1 (a) Possession or right of entry of condemnor.--The
2 condemnor, after the expiration of the time for filing
3 preliminary objections by the condemnee to the declaration of
4 taking, shall be entitled to possession or right of entry upon
5 payment of, or a written offer to pay to the condemnee, the
6 amount of just compensation as estimated by the condemnor.
7 However, the condemnor shall be entitled to possession or right
8 of entry upon an easement without the payment of or offer to pay
9 the estimated just compensation if the condemnor has the right
10 to assess the property for benefits. If a condemnee or any other
11 person then refuses to deliver possession or permit right of
12 entry, the prothonotary upon praecipe of the condemnor shall
13 issue a rule, returnable in five days after service upon the
14 condemnee or the other person, to show cause why a writ of
15 possession should not issue. The court, unless preliminary
16 objections warranting delay are pending, may issue a writ of
17 possession conditioned except as provided in this subsection
18 upon payment to the condemnee or into court of the estimated
19 just compensation and on any other terms as the court may
20 direct.

21 (b) Tender of possession or right of entry by condemnee.--If
22 within 60 days from the filing of the declaration of taking the
23 condemnor has not paid just compensation as provided in
24 subsection (a), the condemnee may tender possession or right of
25 entry in writing and the condemnor shall then make payment of
26 the just compensation due the condemnee as estimated by the
27 condemnor. If the condemnor fails to make the payment, the
28 court, upon petition of the condemnee, may compel the condemnor
29 to file a declaration of estimated just compensation or, if the
30 condemnor fails or refuses to file the declaration, may at the

1 cost of the condemnor appoint an impartial expert appraiser to
2 estimate just compensation. The court may, after hearing, enter
3 judgment for the amount of the estimated just compensation.

4 (c) Compensation without prejudice.--The compensation paid
5 under subsections (a) and (b) shall be without prejudice to the
6 rights of either the condemnor or the condemnee to proceed to a
7 final determination of the just compensation, and any payments
8 made shall be considered only as payments pro tanto of the just
9 compensation as finally determined. Following the rendition of
10 the verdict, the court shall mold the verdict to deduct the
11 estimated just compensation previously paid by the condemnor.
12 However, in no event shall the condemnee be compelled to pay
13 back to the condemnor the compensation paid under subsection (a)
14 or (b), even if the amount of just compensation as finally
15 determined is less than the compensation paid.

16 § 308. Revocation of condemnation proceedings.

17 (a) Declaration of relinquishment.--The condemnor, by filing
18 a declaration of relinquishment in court within two years from
19 the filing of the declaration of taking and before having made
20 the payment provided in section 307(a) or (b) (relating to
21 possession, right of entry and payment of compensation) or as to
22 which the condemnee has not tendered possession of the condemned
23 property as provided in section 307, may relinquish all or any
24 part of the property condemned that it has not taken actual
25 possession of for use in the improvement. The title shall then
26 revert in the condemnee as of the date of the filing of the
27 declaration of taking and all mortgages and other liens existing
28 as of that date and not thereafter discharged shall be
29 reinstated.

30 (b) Notice.--Notice of the relinquishment shall be recorded

1 in the office of the recorder of deeds of the county in which
2 the property taken is located, with the condemnor as the grantor
3 and the condemnee as the grantee, and the notice of the
4 relinquishment shall be served on the condemnee in the same
5 manner as provided for service of the declaration of taking.

6 (c) Fees.--The fees payable to the recorder for recording
7 the notice of relinquishment shall be in the same amounts as
8 provided in section 304(c) (relating to recording notice of
9 condemnation).

10 (d) Costs, expenses and damages.--Where condemned property
11 is relinquished, the condemnee shall be reimbursed by the
12 condemnor for reasonable costs, expenses and damages as provided
13 in section 306(g) (relating to preliminary objections).

14 (e) Agreement.--The condemnor and the condemnee, without the
15 filing of a declaration of relinquishment, may by agreement
16 effect a revesting of title in the condemnee which agreement
17 shall be properly recorded.

18 § 309. Right to enter property prior to condemnation.

19 Prior to the filing of the declaration of taking, the
20 condemnor or its employees or agents shall have the right to
21 enter upon any land or improvement which it has the power to
22 condemn in order to make studies, surveys, tests, soundings and
23 appraisals. However, the owner of the land or the party in whose
24 name the property is assessed shall be notified ten days prior
25 to entry on the property. Any actual damages sustained by the
26 owner of a property interest in the property entered upon by the
27 condemnor shall be paid by the condemnor and shall be assessed
28 by the court or viewers in the same manner as provided in
29 section 306(g) (relating to preliminary objections). The
30 exercise of this right of entry by the condemnor shall neither

1 constitute a condemnation nor be interpreted as a notice of an
2 intent to acquire the real property.

3 § 310. Abandonment of project.

4 (a) Disposition of property.--If a condemnor has condemned a
5 fee and then abandons the purpose for which the property has
6 been condemned, the condemnor may dispose of it by sale or
7 otherwise. If the property has not been substantially improved,
8 it may not be disposed of within three years after condemnation
9 without first being offered to the condemnee at the same price
10 paid to the condemnee by the condemnor. If the property is not
11 located within the corporate boundaries of a county of the first
12 or second class and has not been substantially improved and was
13 devoted to agricultural use at the time of the condemnation, it
14 may not be disposed of within 12 years after condemnation
15 without first being offered to the condemnee at the same price
16 paid to the condemnee by the condemnor.

17 (b) Notice.--The condemnee shall be served with notice of
18 the offer in the same manner as prescribed for the service of
19 notices in section 305(b) (relating to notice to condemnee) and
20 shall have 90 days after receipt of notice to make written
21 acceptance.

22 (c) Certain conditional offers prohibited.--The condemnor
23 may not condition any offer required to be made to a condemnee
24 under subsection (a) on the payment by the condemnee of
25 additional fees, real estate taxes or payments in lieu of taxes
26 or other costs.

27 (d) Definitions.--As used in this section the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 "Agricultural commodity." Any plant and animal products

1 including Christmas trees produced in this Commonwealth for
2 commercial purposes.

3 "Agricultural use." Use of the land for the purpose of
4 producing an agricultural commodity or when devoted to and
5 meeting the requirements and qualifications for payments or
6 other compensation pursuant to a soil conservation program under
7 an agreement with an agency of the Federal Government. Land
8 containing a farmhouse or other buildings related to farming
9 shall be deemed to be in agricultural use.

10 CHAPTER 5

11 PROCEDURE FOR DETERMINING DAMAGES

12 Sec.

13 501. Agreement as to damages.

14 502. Petition for appointment of viewers.

15 503. View.

16 504. Appointment of viewers.

17 505. Service of notice of view and hearing.

18 506. Additional condemnees, mortgagees and intervention.

19 507. Joint claims.

20 508. Appointment of trustee or guardian ad litem.

21 509. Furnishing of plans to viewers.

22 510. Powers of viewers.

23 511. Administrative matters for viewers' hearings.

24 512. Report of viewers.

25 513. Disagreement.

26 514. Filing of report of viewers.

27 515. Reports.

28 516. Right of appeal.

29 517. Appeals.

30 518. Disposition of appeal.

1 519. Allocation of damages.

2 520. Waiver of viewers' proceedings and termination by
3 stipulation.

4 521. Liens and distribution of damages.

5 522. Payment into court and distribution.

6 § 501. Agreement as to damages.

7 At any stage of the proceedings, the condemnor and the
8 condemnee may agree upon all or any part or item of the damages
9 and proceed to have those parts or items not agreed upon
10 assessed as provided in this chapter. The condemnor may make
11 payment of any part or item agreed upon.

12 § 502. Petition for appointment of viewers.

13 (a) Contents of petition.--A condemnor, condemnee or
14 displaced person may file a petition requesting the appointment
15 of viewers, setting forth:

16 (1) A caption designating the condemnee or displaced
17 person as the plaintiff and the condemnor as the defendant.

18 (2) The date of the filing of the declaration of taking
19 and whether any preliminary objections have been filed and
20 remain undisposed of.

21 (3) In the case of a petition of a condemnee or
22 displaced person, the name of the condemnor.

23 (4) The names and addresses of all condemnees, displaced
24 persons and mortgagees known to the petitioner to have an
25 interest in the property acquired and the nature of their
26 interest.

27 (5) A brief description of the property acquired.

28 (6) A request for the appointment of viewers to
29 ascertain just compensation.

30 (b) Property included in condemnor's petition.--The

1 condemnor may include in its petition any or all of the property
2 included in the declaration of taking.

3 (c) Condemnation where no declaration of taking has been
4 filed.--An owner of a property interest who asserts that his
5 property interest has been condemned without the filing of a
6 declaration of taking may file a petition for the appointment of
7 viewers substantially in the form provided for in subsection (a)
8 setting forth the factual basis of the petition. The court shall
9 determine whether a condemnation has occurred, and if the court
10 determines that a condemnation has occurred, the court shall
11 determine the condemnation date and the extent and nature of any
12 property interest condemned. The court shall enter an order
13 specifying any property interest which has been condemned and
14 the date of the condemnation. A copy of the order and any
15 modification shall be filed by the condemnor in the office of
16 the recorder of deeds of the county in which the property is
17 located and shall be indexed in the deed indices showing the
18 condemnee as grantor and the condemnor as grantee.

19 (d) Separate proceedings.--The court, in furtherance of
20 convenience or to avoid prejudice, may, on its own motion or on
21 motion of any party, order separate viewers' proceedings or
22 trial when more than one property has been included in the
23 petition.

24 § 503. View.

25 In every proceeding at least one of the viewers appointed
26 shall be an attorney at law who shall be chairman of the board
27 and who shall attend the view. At least two of the three
28 viewers appointed shall view the property in question.

29 § 504. Appointment of viewers.

30 (a) General rule.--Upon the filing of a petition for the

1 appointment of viewers, the court, unless preliminary objections
2 to the validity of the condemnation or jurisdiction, warranting
3 delay, are pending, shall promptly appoint three viewers, who
4 shall view the premises, hold hearings and file a report. In
5 counties of the first class, the court may appoint an alternate
6 viewer in addition to the three viewers specifically appointed.
7 The prothonotary shall promptly notify the viewers of their
8 appointment unless a local rule provides another method of
9 notification. No viewer shall represent a client or testify as
10 an expert witness before the board.

11 (b) Service of petition for the appointment of viewers and
12 order appointing viewers.--The petitioners shall promptly send
13 to all other parties by registered mail, return receipt
14 requested, a certified true copy of the petition for the
15 appointment of viewers and a copy of the court order appointing
16 the viewers if an order has been entered.

17 (c) Notice of views and hearings.--The viewers shall give
18 notice of the time and place of all views and hearings. This
19 notice shall be given to all parties by not less than 30 days
20 written notice by registered mail, return receipt requested.

21 (d) Preliminary objections.--Any objection to the
22 appointment of viewers may be raised by preliminary objections
23 filed within 30 days after receipt of notice of the appointment
24 of viewers. Objections to the form of the petition or the
25 appointment or the qualifications of the viewers in any
26 proceeding or to the legal sufficiency or factual basis of a
27 petition filed under section 502(c) (relating to petition for
28 appointment of viewers) are waived unless included in
29 preliminary objections. An answer with or without new matter may
30 be filed within 20 days of service of preliminary objections,

1 and a reply to new matter may be filed within 20 days of service
2 of the answer. The court shall determine promptly all
3 preliminary objections and make any orders and decrees as
4 justice requires. If an issue of fact is raised, the court shall
5 conduct an evidentiary hearing or order that evidence be taken
6 by deposition or otherwise, but in no event shall evidence be
7 taken by the viewers on this issue.

8 § 505. Service of notice of view and hearing.

9 Notice of the view and hearing shall be served, within or
10 without this Commonwealth, by any competent adult in the same
11 manner as a civil action or by registered mail, return receipt
12 requested, to the last known address of the condemnee and
13 condemnor. If service cannot be made in the manner provided,
14 then service shall be made by posting a copy of the notice upon
15 a public part of the property and by publication, at the cost of
16 the condemnor, once in a newspaper of general circulation and
17 once in the legal publication, if any, designated by rule or
18 order of court for publication of legal notices, published in
19 the county. Proof of service and the manner of service shall be
20 attached to the viewers' report.

21 § 506. Additional condemnees, mortgagees and intervention.

22 (a) Identification.--The condemnee, at or before the hearing
23 at which his claim is presented, shall furnish the viewers and
24 the condemnor with the names and addresses of all other
25 condemnees known to the condemnee to have an interest in his
26 property and the nature of their interests and the names and
27 addresses of all mortgagees known to the condemnee.

28 (b) Notice.--The viewers shall notify by written notice all
29 persons who are so disclosed as having an interest in the
30 property and all mortgagees of the pendency of the proceedings

1 and of subsequent hearings. If the additional condemnees and
2 mortgagees have not received 20 days notice of the hearing, the
3 viewers shall, upon request, adjourn the hearing to allow
4 notice.

5 (c) Intervention.--The court may permit a mortgagee,
6 judgment creditor or other lienholder to intervene in the
7 proceedings where his interest is not adequately protected, but
8 he shall not be a party to the proceedings unless he has
9 intervened.

10 § 507. Joint claims.

11 (a) Required.--The claims of all the owners of the condemned
12 property, including joint tenants, tenants in common, life
13 tenants, remaindermen, owners of easements or ground rents and
14 all others having an interest in the property and the claims of
15 all tenants, if any, of the property, shall be heard or tried
16 together.

17 (b) Apportionment of damages.--The award of the viewers or
18 the verdict on appeal from the viewers shall, first, fix the
19 total amount of damages for the property and, second, apportion
20 the total amount of damages between or among the several
21 claimants entitled to damages.

22 (c) Separate hearings.--Claims for special damages under
23 section 901 (relating to moving and related expenses of
24 displaced persons) may be heard or tried separately.

25 § 508. Appointment of trustee or guardian ad litem.

26 The court on its own motion may, or on petition of any party
27 in interest shall, appoint a trustee ad litem or guardian ad
28 litem, as may be appropriate, in accordance with general rules.

29 § 509. Furnishing of plans to viewers.

30 The condemnor shall furnish the viewers at or before the view

1 with a plan showing the entire property involved, the
2 improvements, the extent and nature of the condemnation and any
3 other physical data, including grades, as may be necessary for
4 the proper determination of just compensation. If, in the
5 opinion of the viewers, the plans are insufficient, they may
6 require the submission of supplemental plans. Copies of the
7 plans shall be furnished at the same time, without cost, to the
8 condemnee upon written request. If the condemnor does not
9 furnish a plan or the condemnor's plans are insufficient, the
10 court, on application of the condemnee, may charge to the
11 condemnor, as costs, reasonable expenses for plans furnished by
12 the condemnee.

13 § 510. Powers of viewers.

14 The viewers shall have power to adjourn the proceedings from
15 time to time. Upon request of the viewers or a party, the court
16 which appointed the viewers shall issue a subpoena to testify or
17 to produce books and documents. All the viewers shall act,
18 unless prevented by sickness or other unavoidable cause, but a
19 majority of the viewers may hear, determine, act upon and report
20 all matters relating to the view for which they were appointed.
21 The provisions of this section shall not be affected by the
22 appointment of an alternate viewer as provided for in section
23 504 (relating to appointment of viewers).

24 § 511. Administrative matters for viewers' hearings.

25 (a) Facilities.--All viewers' hearings shall be held
26 publicly in a suitable place within the county designated by the
27 court.

28 (b) Stenographic notes.--Whenever in the opinion of the
29 viewers it is desirable, accurate stenographic notes of hearings
30 shall be taken, and copies of the notes shall be furnished to

1 the parties interested when desired upon payment of a sum fixed
2 by the rules and regulations of the respective court.

3 § 512. Report of viewers.

4 The viewers shall file a report which shall include in brief
5 and concise paragraph form:

6 (1) The date of their appointment as viewers.

7 (2) A reference to the notices of the time and place of
8 view and hearing with proof of service of notices, which
9 shall be attached to the report.

10 (3) A copy of the plan showing the extent of the taking
11 or injury upon which the viewers' award is predicated and a
12 statement of the nature of the interest condemned.

13 (4) The date of the filing of the declaration of taking.

14 (5) A schedule of damages awarded and benefits assessed,
15 to and by whom payable, and for which property, separately
16 stated as follows: general damages, moving and removal
17 expenses, business dislocation damages and other items of
18 special damages authorized by this title and the date from
19 which damages for delay shall be calculated.

20 (6) In the case of a partial taking, a statement as to
21 the amount of the general damages attributable as severance
22 damages to the part of the property not taken, if the
23 apportionment has been requested in writing by the condemnee.

24 (7) Where there are several interests in the condemned
25 property, a statement of the total amount of damages and the
26 distribution between or among the several claimants.

27 (8) Whether there are other claimants to any interest or
28 estate in the property condemned and the viewers'
29 determination of the extent, if any, of each interest in the
30 property and in the award.

1 (9) Their rulings on any written requests for findings
2 of fact and conclusions of law submitted to them.

3 (10) Other matters they deem relevant.

4 § 513. Disagreement.

5 If a majority of the viewers do not agree on a decision,
6 three new viewers shall be appointed by the court upon
7 application of any interested party.

8 § 514. Filing of report of viewers.

9 The viewers shall file their report within 30 days of their
10 final hearing or within 30 days from the filing of the
11 transcription of the stenographic notes of testimony. The
12 transcription shall be filed within 30 days of the final
13 hearing. Ten days before the filing of their report, the viewers
14 shall mail a copy of the report to all parties or their
15 attorneys of record, with notice of the date of the intended
16 filing and that the report shall become final unless an appeal
17 is filed within 30 days from the date the report is filed. Prior
18 to the filing of their report they may correct any errors in the
19 report and give notice to the persons affected.

20 § 515. Reports.

21 The viewers may include in one report one or more properties
22 or claims under section 901 (relating to moving and related
23 expenses of displaced persons) referred to them under the same
24 or separate petitions if the properties are included in the same
25 declaration of taking. The viewers may file a separate report
26 for expenses and damages under section 901. Each report shall be
27 final as to the property or properties included and subject to
28 separate appeal.

29 § 516. Right of appeal.

30 (a) General rule.--Any party aggrieved by the decision of

1 the viewers may appeal to the court. The appeal shall raise all
2 objections of law or fact to the viewers' report. The appeal
3 shall be signed by the appellant or his attorney or his agent,
4 and no verification shall be required. Any award of damages or
5 assessment of benefits, as the case may be, as to which no
6 appeal is taken shall become final as of course and shall
7 constitute a final judgment.

8 (b) Consolidation.--The court, on its own motion or on
9 application of any party in interest, may consolidate separate
10 appeals involving only common questions of law as one
11 proceeding.

12 (c) Cross appeals.--If a timely appeal is filed by a party,
13 any other party may file an appeal within 15 days of the date on
14 which the first appeal was filed. An appeal may be taken from
15 less than all of an award.

16 (d) Withdrawal.--No appeal may be withdrawn without the
17 consent of all parties.

18 § 517. Appeals.

19 (a) Contents.--The appeal shall set forth:

20 (1) The name of appellant and appellee.

21 (2) A brief description or identification of the
22 property involved and the condemnee's interest.

23 (3) A reference to the proceedings appealed from and the
24 date of the filing of the viewers' report.

25 (4) Objections, if any, to the viewers' report, other
26 than to the amount of the award.

27 (5) A demand for jury trial, if desired. If the
28 appellant desires a jury trial, he shall at the time of
29 filing the appeal endorse the appeal or file separately a
30 written demand for jury trial, signed by him or counsel. If

1 no demand for jury trial is made by the appellant, any other
2 party may file a written demand for jury trial within 15 days
3 after being served with a copy of the appeal. If no party
4 makes a demand for a jury trial as provided in this section,
5 the right to jury trial shall be deemed to have been waived,
6 and the court shall try the case without a jury.

7 (b) Service.--The appellant shall serve a copy of the appeal
8 on all other parties within five days after filing the appeal.
9 Proof of service of a copy of the appeal shall be filed by the
10 appellant.

11 (c) Other pleadings not required.--No other pleadings shall
12 be required and the cause shall be deemed at issue.

13 § 518. Disposition of appeal.

14 All objections, other than to the amount of the award, raised
15 by the appeal shall be determined by the court preliminarily.
16 The court may confirm, modify or change the report or refer it
17 back to the same or other viewers. A decree confirming,
18 modifying or changing the report constitutes a final order. The
19 amount of damages shall be determined by the court unless a jury
20 trial has been demanded. At the trial of the case, the condemnee
21 shall be the plaintiff and the condemnor shall be the defendant.

22 § 519. Allocation of damages.

23 (a) Severance damages.--Upon appeal from an award of
24 viewers, the court, upon the request of the plaintiff, shall,
25 after the jury or the court, if the trial is without jury, has
26 returned its general verdict, make a specific finding and
27 allocation of the amount of the general verdict attributable to
28 severance damages to the part of the property not taken.

29 (b) Other damages.--The jury, or the court in a trial
30 without a jury, shall make specific findings as to the portion

1 of the verdict allocated to general damages, moving and removal
2 expenses, business dislocation damages and other items of
3 special damages authorized by this title, except reasonable
4 appraisal, attorney and engineering fees recoverable under
5 sections 306 (relating to preliminary objections), 308 (relating
6 to revocation of condemnation proceedings), 709 (relating to
7 condemnee's costs where no declaration of taking filed) and 710
8 (relating to limited reimbursement of appraisal, attorney and
9 engineering fees), which shall be determined by the court in an
10 appropriate case.

11 § 520. Waiver of viewers' proceedings and termination by
12 stipulation.

13 (a) Waiver of viewers' proceedings.--The condemnor and
14 condemnee may, by written agreement filed with and approved by
15 the court, waive proceedings before viewers and proceed directly
16 to the court on agreed issues of law or fact. The proceedings
17 shall then be the same as on appeal from a report of viewers.

18 (b) Termination by stipulation.--At any time after filing of
19 a petition for the appointment of viewers, the parties may by
20 stipulation filed with the prothonotary terminate the viewers'
21 proceedings as to all or part of the properties involved and
22 stipulate that judgment may be entered for the amount of damages
23 agreed on for each property interest covered by the stipulation.
24 A copy of the stipulation shall be filed with the viewers.

25 § 521. Liens and distribution of damages.

26 (a) Liens.--Damages payable to a condemnee under sections
27 701 (relating to just compensation) through 707 (relating to
28 removal of machinery, equipment or fixtures), 713 (relating to
29 delay compensation), 714 (relating to consequential damages),
30 715 (relating to damages for vacation of roads) and 901(b)(1)

1 and (2) (relating to moving and related expenses of displaced
2 persons) shall be subject to a lien for all taxes and municipal
3 claims assessed against the property and to all mortgages,
4 judgments and other liens of record against the property for
5 which the particular damages are payable, existing at the date
6 of the filing of the declaration of taking. The liens shall be
7 paid out of the damages in order of priority before any payment
8 to the condemnee, unless released. In the case of a partial
9 taking or of damages under sections 714 and 715, the lienholder
10 shall be entitled only to an equitable pro rata share of the
11 damages lienable under this section.

12 (b) Distribution of damages.--It is the obligation of the
13 condemnor to distribute the damages properly. If the condemnor
14 is unable to determine proper distribution of the damages, it
15 may, without payment into court, petition the court to
16 distribute the damages and shall furnish the court with a
17 schedule of proposed distribution. Notice of the filing of the
18 petition and schedule of proposed distribution shall be given to
19 all condemnees, mortgagees, judgment creditors and other
20 lienholders, as shown in the proposed schedule, in any manner as
21 the court may by general rule or special order direct. The court
22 may hear the matter or may appoint a master to hear and report
23 or may order any issue tried by the court and jury as may appear
24 proper under all the circumstances. The court shall then enter
25 an order of distribution of the fund.

26 § 522. Payment into court and distribution.

27 (a) Payment into court.--Upon refusal to accept payment of
28 the damages or of the estimated just compensation under section
29 307 (relating to possession, right of entry and payment of
30 compensation) or if the party entitled thereto cannot be found

1 or if for any other reason the amount cannot be paid to the
2 party entitled thereto, the court upon petition of the
3 condemnor, which shall include a schedule of proposed
4 distribution, may direct payment and costs into court or as the
5 court may direct in full satisfaction. The condemnor shall give
6 20 days notice of the presentation of the petition, including a
7 copy of the schedule of the proposed distribution, to all
8 parties in interest known to the condemnor in any manner as the
9 court may direct by general rule or special order. If the court
10 is satisfied in a particular case that the condemnor failed to
11 use reasonable diligence in giving notice, the court may, upon
12 petition of any party in interest adversely affected by the
13 failure to give notice, order that compensation for delay in
14 payment be awarded to the party for the period after deposit in
15 court by the condemnor under this section until the time the
16 party in interest has received a distribution of funds under
17 this section.

18 (b) Distribution.--The court upon petition of any party in
19 interest shall distribute the funds paid under subsection (a) or
20 any funds deposited in court under section 307 to the persons
21 entitled thereto in accordance with the procedure in section 521
22 (relating to liens and distribution of damages), but if no
23 petition is presented within a period of five years of the date
24 of payment into court, the court shall order the fund or any
25 balance remaining to be paid to the Commonwealth without
26 escheat. No fee shall be charged against these funds.

27 CHAPTER 7

28 JUST COMPENSATION AND MEASURE OF DAMAGES

29 Sec.

30 701. Just compensation.

1 702. Measure of damages.
2 703. Fair market value.
3 704. Effect of imminence of condemnation.
4 705. Contiguous tracts and unity of use.
5 706. Effect of condemnation use on after value.
6 707. Removal of machinery, equipment or fixtures.
7 708. Expenses incidental to transfer of title.
8 709. Condemnee's costs where no declaration of taking filed.
9 710. Limited reimbursement of appraisal, attorney and
10 engineering fees.
11 711. Payment on account of increased mortgage costs.
12 712. Loss of rentals because of imminence of condemnation.
13 713. Delay compensation.
14 714. Consequential damages.
15 715. Damages for vacation of roads.
16 716. Attempted avoidance of monetary just compensation.
17 § 701. Just compensation.

18 The condemnee shall be entitled to just compensation for the
19 taking, injury or destruction of his property, determined as set
20 forth in this chapter.

21 § 702. Measure of damages.

22 (a) Just compensation.--Just compensation shall consist of
23 the difference between the fair market value of the condemnee's
24 entire property interest immediately before the condemnation and
25 as unaffected by the condemnation and the fair market value of
26 his property interest remaining immediately after the
27 condemnation and as affected by the condemnation and any other
28 damages as provided in this title.

29 (b) Urban development or redevelopment condemnation.--In the
30 case of the condemnation of property in connection with any

1 urban development or redevelopment project, which property is
2 damaged by subsidence due to failure of surface support
3 resulting from the existence of mine tunnels or passageways
4 under the property or by reason of fires occurring in mine
5 tunnels or passageways or of burning coal refuse banks, the
6 damage resulting from this subsidence or underground fires or
7 burning coal refuse banks shall be excluded in determining the
8 fair market value of the condemnee's entire property interest
9 immediately before the condemnation.

10 (c) Value of property damaged by natural disaster.--In the
11 case of the condemnation of property in connection with any
12 program or project which property is damaged by any natural
13 disaster, the damage resulting from the natural disaster shall
14 be excluded in determining fair market value of the condemnee's
15 entire property interest immediately before the condemnation.

16 (d) Applicability of natural disaster provisions.--
17 Subsection (c) is applicable only where the damage resulting
18 from the natural disaster has occurred within five years prior
19 to the initiation of negotiations for or notice of intent to
20 acquire or order to vacate the property and during the ownership
21 of the property by the condemnee. The damage to be excluded
22 shall include only actual physical damage to the property for
23 which the condemnee has not received any compensation or
24 reimbursement.

25 § 703. Fair market value.

26 Fair market value shall be the price which would be agreed to
27 by a willing and informed seller and buyer, taking into
28 consideration, but not limited to, the following factors:

29 (1) The present use of the property and its value for
30 that use.

1 (2) The highest and best reasonably available use of the
2 property and its value for that use.

3 (3) The machinery, equipment and fixtures forming part
4 of the real estate taken.

5 (4) Other factors as to which evidence may be offered as
6 provided by Chapter 11 (relating to evidence).

7 § 704. Effect of imminence of condemnation.

8 Any change in the fair market value prior to the date of
9 condemnation which the condemnor or condemnee establishes was
10 substantially due to the general knowledge of the imminence of
11 condemnation, other than that due to physical deterioration of
12 the property within the reasonable control of the condemnee,
13 shall be disregarded in determining fair market value.

14 § 705. Contiguous tracts and unity of use.

15 Where all or a part of several contiguous tracts in
16 substantially identical ownership is condemned or a part of
17 several noncontiguous tracts in substantially identical
18 ownership which are used together for a unified purpose is
19 condemned, damages shall be assessed as if the tracts were one
20 parcel.

21 § 706. Effect of condemnation use on after value.

22 In determining the fair market value of the remaining
23 property after a partial taking, consideration shall be given to
24 the use to which the property condemned is to be put and the
25 damages or benefits specially affecting the remaining property
26 due to its proximity to the improvement for which the property
27 was taken. Consideration shall also be given to any time
28 discount, inconvenience or other effects of the construction
29 period, which would have materially affected the price which the
30 condemnee would have received had he sold the remaining property

1 to a third party immediately after the date of condemnation but
2 before completion of the improvement. Future damages and general
3 benefits which will affect the entire community beyond the
4 properties directly abutting the property taken shall not be
5 considered in arriving at the after value. Special benefits to
6 the remaining property shall in no event exceed the total
7 damages except in cases where the condemnor is authorized under
8 existing law to make special assessments for benefits.

9 § 707. Removal of machinery, equipment or fixtures.

10 In the event the condemnor does not require for its use
11 machinery, equipment or fixtures forming part of the real
12 estate, it shall so notify the condemnee. The condemnee may
13 within 30 days of the notice elect to remove the machinery,
14 equipment or fixtures unless the time is extended by the
15 condemnor. If the condemnee so elects, the damages shall be
16 reduced by the fair market value of the machinery, equipment or
17 fixtures severed from the real estate.

18 § 708. Expenses incidental to transfer of title.

19 Any acquiring agency shall, on the date of payment of the
20 purchase price of amicably acquired real property or of payment
21 or tender of estimated just compensation in a condemnation
22 proceeding to acquire real property, whichever is earlier or as
23 soon as is practicable, reimburse the owner for expenses he
24 necessarily incurred for:

25 (1) Recording fees, transfer taxes and similar expenses
26 incidental to conveying the real property to the acquiring
27 agency.

28 (2) Penalty costs for prepayment for any preexisting
29 recorded mortgage entered into in good faith encumbering the
30 real property.

1 (3) The pro rata portion of real property taxes paid
2 which are allocable to a period subsequent to the date of
3 vesting title in the acquiring agency or the effective date
4 of possession of the real property by the acquiring agency,
5 whichever is earlier.

6 (4) The pro rata portion of water and sewer charges paid
7 to a taxing entity or a local authority allocable to a period
8 subsequent to the effective date of possession of the real
9 property by the acquiring agency.

10 § 709. Condemnee's costs where no declaration of taking filed.

11 Where proceedings are instituted by a condemnee under section
12 502(c) (relating to petition for appointment of viewers), a
13 judgment awarding compensation to the condemnee for the taking
14 of property shall include reimbursement of reasonable appraisal,
15 attorney and engineering fees and other costs and expenses
16 actually incurred.

17 § 710. Limited reimbursement of appraisal, attorney and
18 engineering fees.

19 (a) General rule.--The owner of any right, title or interest
20 in real property acquired or injured by an acquiring agency, who
21 is not eligible for reimbursement of fees under section 306(g)
22 (relating to preliminary objections), 308(d) (relating to
23 revocation of condemnation proceedings) or 709 (relating to
24 condemnee's costs where no declaration of taking filed), shall
25 be reimbursed in an amount not to exceed \$1,000 as a payment
26 toward reasonable expenses actually incurred for appraisal,
27 attorney and engineering fees.

28 (b) Attorney fees.--In determining reasonable attorney fees
29 under sections 306(g), 308(d) and 709, the court shall consider
30 all of the circumstances of the case, including, but not limited

1 to, time records if available.

2 (c) Appraisal and engineering fees.--The condemnee's
3 attorney of record shall present all evidence of reasonable
4 appraisal or engineering fees recoverable under sections 306(g),
5 308(d) and 709. The condemnee's attorney of record shall collect
6 all of the fees recovered and transmit them to the appraiser and
7 engineer.

8 § 711. Payment on account of increased mortgage costs.

9 (a) Reimbursement of owner.--Whenever the acquisition of
10 property by an acquiring agency results in the termination of an
11 installment purchase contract, mortgage or other evidence of
12 debt on the acquired property, requiring the legal or equitable
13 owner to enter into another installment purchase contract,
14 mortgage or other evidence of debt on the property purchased for
15 the same use as the acquired property, a legal or equitable
16 owner who does not qualify for a payment under section 902(a)(2)
17 (relating to replacement housing for homeowners) shall be
18 compensated for any increased interest and other debt service
19 costs which he is required to pay for financing the acquisition
20 of the replacement property.

21 (b) Determination of amount.--Compensation for any increased
22 interest and other debt service costs shall be equal to the
23 excess in the aggregate interest and other debt service costs of
24 that amount on the principal of the installment purchase
25 contract, mortgage or other evidence of debt on the replacement
26 property which is equal to the unpaid balance of the installment
27 purchase contract, mortgage or other evidence of debt on the
28 acquired property over the remaining term of the installment
29 purchase contract, mortgage or other evidence of debt on the
30 acquired property reduced to present worth. The discount rate to

1 be used in reducing to present worth shall be the prevailing
2 interest rate paid on savings deposits by commercial banks in
3 the general area in which the replacement property is located.
4 The amount shall be paid only if the acquired property was
5 subject to an installment purchase contract or encumbered by a
6 bona fide mortgage or other evidence of debt secured by the
7 property which was a valid lien on the property for not less
8 than 180 days prior to the initiation of negotiations for the
9 acquisition of the property.

10 § 712. Loss of rentals because of imminence of condemnation.

11 The condemnee shall be entitled to receive as special damages
12 compensation for any loss, suffered prior to the date of taking,
13 caused by a reduction of income from rentals which the condemnee
14 establishes was substantially due to the general knowledge of
15 the imminence of condemnation, other than that due to physical
16 deterioration of the property within the reasonable control of
17 the condemnee. This section is applicable only to losses of
18 rental income suffered following a 60-day period subsequent to
19 written notice from the condemnee to the condemnor that losses
20 of rental income are being suffered. Total damages under this
21 section shall not exceed \$10,000.

22 § 713. Delay compensation.

23 (a) General rule.--A condemnee or displaced person shall be
24 entitled to delay compensation:

25 (1) on general damages, including damages payable under
26 sections 714 (relating to consequential damages) and 715
27 (relating to damages for vacation of roads), from the date of
28 relinquishment of possession of the condemned property or, if
29 possession is not required to effectuate the condemnation,
30 from the date of condemnation; and

1 (2) on damages payable under sections 708 (relating to
2 expenses incidental to transfer of title), 711 (relating to
3 payment on account of increased mortgage costs) and 712
4 (relating to loss of rentals because of imminence of
5 condemnation) and Chapter 9 (relating to special damages for
6 displacement) from 60 days after the condemnee or displaced
7 person provides satisfactory documentation to the condemnor
8 that the reimbursable costs or expenses have been incurred by
9 the condemnee or displaced person or that the property
10 qualifies for payment under section 901(b) (relating to
11 moving and related expenses of displaced persons).

12 (b) When condemnee not entitled.--No compensation for delay
13 shall be payable with respect to funds paid on account or by
14 deposit in court after the date of the payment or deposit or for
15 any time during which preliminary objections filed by the
16 condemnee are pending.

17 (c) Rate of interest.--Compensation for delay in payment
18 shall be paid on the basis of compound annual interest. The
19 applicable rate of interest for compensation for delay for each
20 calendar year or portion of a calendar year shall be equal to
21 the annual Index of Long-Term United States Government Bond
22 Yields for that year or, when an annual index for a portion of a
23 year has not been published by the Secretary of Banking, the
24 most recently published index. The compensation for delay for
25 each year or portion of a year shall be added to the unpaid
26 damages prior to calculation of the compensation for delay for
27 the succeeding year or portion of a year.

28 (d) When calculation of delay compensation made.--
29 Compensation for delay shall not be included by the viewers or
30 the court or jury on appeal as part of the award or verdict, but

1 shall at the time of payment of the award or judgment be
2 calculated as provided in subsection (c) and added to the award
3 or verdict. There shall be no further or additional payment of
4 interest on the award or verdict.

5 (e) Secretary of Banking.--On or before each January 20, the
6 Secretary of Banking shall have published in the Pennsylvania
7 Bulletin the annual Index of Long-Term United States Government
8 Bond Yields for each of the preceding ten years.

9 § 714. Consequential damages.

10 All condemnors, including the Commonwealth, shall be liable
11 for damages to property abutting the area of an improvement
12 resulting from change of grade of a road or highway, permanent
13 interference with access or injury to surface support, whether
14 or not any property is taken.

15 § 715. Damages for vacation of roads.

16 Whenever a public road, street or highway is vacated, the
17 affected owners may recover damages for any injuries sustained,
18 even though no land is actually taken.

19 § 716. Attempted avoidance of monetary just compensation.

20 Where a condemnor attempts to avoid the payment of monetary
21 just compensation to which the condemnee otherwise would be
22 entitled by use of a substitute for monetary compensation and
23 the condemnee incurs expenses, including appraisal, attorney and
24 engineering fees, in securing an adjudication that the
25 substitute is not adequate, the condemnee shall be reimbursed by
26 the condemnor for all these expenses incurred.

27 CHAPTER 9

28 SPECIAL DAMAGES FOR DISPLACEMENT

29 Sec.

30 901. Moving and related expenses of displaced persons.

1 902. Replacement housing for homeowners.
2 903. Replacement housing for tenants and others.
3 904. Housing replacement authorization.
4 905. Regulations.
5 906. Payments not to be considered as income or resources.

6 § 901. Moving and related expenses of displaced persons.

7 (a) Reasonable expenses incurred.--Any displaced person
8 shall be reimbursed for reasonable expenses incurred in moving
9 himself and his family and for the removal, transportation and
10 reinstallation of personal property.

11 (1) Receipts shall be prima facie evidence of incurred
12 reasonable moving expenses.

13 (2) Any displaced person who is displaced from a
14 dwelling may elect to receive, in lieu of reimbursement of
15 incurred moving expenses, a moving expense allowance
16 determined according to a schedule established by the
17 acquiring agency, not to exceed \$300, and a dislocation
18 allowance of \$200.

19 (b) Damages for dislocation of business or farm operation.--
20 Any displaced person who is displaced from his place of business
21 or from his farm operation shall be entitled, in addition to any
22 payment received under subsection (a), to damages for
23 dislocation of his business or farm operation as follows:

24 (1) Damages equal to the value in place of the personal
25 property which:

26 (i) is not moved because of the discontinuance of
27 the business or farm operation or the unavailability of a
28 comparable site for relocation; or

29 (ii) cannot be moved without substantially
30 destroying or diminishing its utility in the relocated

1 business or farm operation.

2 (2) In lieu of the damages provided in paragraph (1), at
3 the option of the displaced person, an amount not to exceed
4 \$10,000 to be determined by taking 50% of the difference, if
5 any, between the original cost of the personal property to
6 the displaced person or the replacement cost of equivalent
7 property at the time of sale, whichever is lower, and the net
8 proceeds obtained by the displaced person at a commercially
9 reasonable private or public sale. If this option is
10 selected, the displaced person shall give the acquiring
11 agency not less than 60 days notice in writing of his
12 intention to seek damages under this option. The displaced
13 person shall not, directly or indirectly, purchase any of the
14 personal property at private sale. Inventory shall be paid
15 for under this option only if the business is not relocated.

16 (3) In addition to damages under paragraph (1) or (2),
17 damages of not more than \$25,000 nor less than \$2,500, in an
18 amount equal to the greater of:

19 (i) forty times the actual monthly rental, in the
20 case of a tenant, or 40 times the fair monthly rental
21 value, in the case of owner-occupancy; or

22 (ii) the average annual net earnings. The term
23 "average annual net earnings" means one-half of any net
24 earnings of the business or farm operation before
25 Federal, State and local income taxes during the two
26 taxable years immediately preceding the taxable year in
27 which the business or farm operation moves from the real
28 property acquired for a project, and includes any
29 compensation paid by the business or farm operation to
30 the owner, his spouse or his dependents during this

1 period. The regulations promulgated under section 905
2 (relating to regulations) may designate another period
3 determined to be more equitable for establishing average
4 annual net earnings provided the designation of the
5 period does not produce a lesser payment than would use
6 of the last two taxable years.

7 (4) In the case of a business, payment shall be made
8 under paragraph (3) only if the business cannot be relocated
9 without a substantial loss of profits.

10 (5) In addition to damages under paragraphs (1) through
11 (4), actual reasonable expenses incurred in searching for a
12 replacement business or farm.

13 § 902. Replacement housing for homeowners.

14 (a) Additional payments to certain homeowners.--In addition
15 to payments otherwise authorized, the acquiring agency shall
16 make an additional payment not in excess of \$15,000 to any
17 displaced person who is displaced from a dwelling actually owned
18 and occupied by the displaced person for not less than 180 days
19 prior to the initiation of negotiations for the acquisition of
20 the property or the receipt of written notice from the acquiring
21 agency of intent to acquire or order to vacate. The additional
22 payment shall include the following elements:

23 (1) The amount, if any, which, when added to the
24 acquisition cost of the acquired dwelling, equals the
25 reasonable cost of a comparable replacement dwelling which is
26 a decent, safe and sanitary dwelling adequate to accommodate
27 the displaced person, reasonably accessible to public
28 services and his place of employment and available to the
29 displaced person on the private market.

30 (2) The amount, if any, as provided in this paragraph,

1 which will compensate the displaced person for any increased
2 interest and other debt service costs which the person is
3 required to pay for financing the acquisition of any
4 comparable replacement dwelling. The amount shall be equal
5 to:

6 (i) in those instances where the acquired property
7 at the time of the acquisition was subject to an
8 installment purchase contract, mortgage or other evidence
9 of debt, the excess in the aggregate interest and other
10 debt service costs of that amount on the principal of the
11 installment purchase contract, mortgage or other evidence
12 of debt on the replacement dwelling which is equal to the
13 unpaid balance of the installment purchase contract,
14 mortgage or other evidence of debt on the acquired
15 dwelling over the remaining term of the installment
16 purchase contract, mortgage or other evidence of debt on
17 the acquired dwelling reduced to present worth; or

18 (ii) in those instances where the acquired property
19 at the time of the acquisition was not subject to an
20 installment purchase contract, mortgage or other evidence
21 of debt, the aggregate interest and other debt service
22 costs of the principal of the installment purchase
23 contract, mortgage or other evidence of debt on the
24 replacement dwelling over a term not to exceed ten years
25 reduced to present worth.

26 The discount rate to be used in reducing to present worth
27 shall be the prevailing interest rate paid on savings
28 deposits by commercial banks in the general area in which the
29 replacement dwelling is located.

30 (3) Reasonable expenses incurred by the displaced person

1 for evidence of title, recording and attorney fees, real
2 property transfer taxes and other closing and related costs
3 incident to the purchase and financing of the replacement
4 dwelling, but not including prepaid expenses.

5 (b) One-year time period for purchase of replacement
6 dwelling.--The additional payment authorized by this section
7 shall be made only to a displaced person who purchases and
8 occupies a replacement dwelling, which is decent, safe, sanitary
9 and adequate to accommodate the displaced person, not later than
10 the end of the one-year period beginning on the date on which he
11 receives final payment of his full acquisition cost for the
12 acquired dwelling or on the date on which he moves from the
13 acquired dwelling, whichever is later. Regulations issued under
14 section 905 (relating to regulations) may prescribe situations
15 when the one-year period may be extended.

16 (c) Right of election.--The person entitled under this
17 section shall have the right to elect the benefits available
18 under section 903 (relating to replacement housing for tenants
19 and others) in lieu of those provided by this section.

20 § 903. Replacement housing for tenants and others.

21 (a) Payment to certain displaced persons.--In addition to
22 amounts otherwise authorized, an acquiring agency shall make a
23 payment to or for any displaced person displaced from a dwelling
24 not eligible to receive a payment under section 902 (relating to
25 replacement housing for homeowners) which dwelling was actually
26 and lawfully occupied by the displaced person for not less than
27 90 days prior to the initiation of negotiations for acquisition
28 of the dwelling or the receipt of written notice from the
29 acquiring agency of intent to acquire or order to vacate. The
30 payment shall be either:

1 (1) the amount determined to be necessary to enable the
2 displaced person to lease for a period not to exceed four
3 years a decent, safe and sanitary dwelling adequate to
4 accommodate the person in areas not generally less desirable
5 in regard to public utilities and public and commercial
6 facilities and reasonably accessible to his place of
7 employment. The amount shall be the additional amount, if
8 any, over the actual rental or fair rental value of the
9 acquired dwelling as determined in accordance with
10 regulations promulgated under section 905 (relating to
11 regulations) but not to exceed \$4,000; or

12 (2) the amount necessary to enable the person to make a
13 down payment, which is the equity payment in excess of the
14 maximum amount of conventional financing available to the
15 displaced person, plus those expenses described in section
16 902(a)(3), on the purchase of a decent, safe and sanitary
17 dwelling adequate to accommodate the person in areas not
18 generally less desirable in regard to public utilities and
19 public and commercial facilities, but not to exceed \$4,000,
20 except that if the amount exceeds \$2,000 the person must
21 equally match this amount in excess of \$2,000 in making the
22 down payment.

23 (b) Condition of payment.--The additional payment authorized
24 by this section shall be made only to a displaced person who
25 occupies a replacement dwelling which is decent, safe, sanitary
26 and adequate to accommodate the displaced person.

27 § 904. Housing replacement authorization.

28 (a) Short title of section.--This section shall be known and
29 may be cited as the Housing Replacement Authorization Act.

30 (b) Housing replacements by acquiring agency as last

1 resort.--

2 (1) If comparable replacement sale or rental housing is
3 not available in the neighborhood or community in which a
4 program or project is located and this housing cannot
5 otherwise be made available, as so certified by the county
6 commissioners or, in cities of the first class, by the city
7 council, the acquiring agency may purchase, construct,
8 reconstruct or otherwise provide replacement housing by use
9 of funds authorized for the program or project. For this
10 purpose, the acquiring agency may exercise its power of
11 eminent domain to acquire property in fee simple or any
12 lesser estate as it deems advisable.

13 (2) Replacement housing provided under this section may
14 be sold, leased or otherwise disposed of by the acquiring
15 agency, for or without consideration, to displaced persons or
16 to nonprofit, limited dividend or cooperative organizations
17 or public bodies, on terms and conditions as the acquiring
18 agency deems necessary and proper to effect the relocation of
19 persons displaced by a program or project.

20 (3) The acquiring agency may contract with other public
21 agencies or any person for the financing, planning,
22 acquisition, development, construction, management, sale,
23 lease or other disposition of replacement housing provided
24 under this section.

25 (c) Planning and other preliminary expenses for replacement
26 housing.--In order to encourage and facilitate the construction
27 or rehabilitation of housing to meet the needs of displaced
28 persons, any governmental acquiring agency may make loans and
29 grants to nonprofit, limited dividend or cooperative
30 organizations or public bodies for necessary and reasonable

1 expenses, prior to construction, for planning and obtaining
2 mortgage financing for the rehabilitation or construction of
3 housing for these displaced persons. These loans and grants
4 shall be made prior to the availability of financing for items
5 such as preliminary surveys and analyses of market needs,
6 preliminary site engineering, preliminary architectural fees,
7 legal, appraisal and organizational fees, site acquisition,
8 application and mortgage commitment fees, construction loan fees
9 and discounts and similar items. Loans to an organization
10 established for profit shall bear interest at market rate
11 determined by the acquiring agency. All other loans and grants
12 shall be without interest. The acquiring agency shall require
13 repayment of loans and grants made under this section, under any
14 terms and conditions it requires, upon completion of the project
15 or sooner. However, except in the case of a loan to an
16 organization established for profit, the acquiring agency may
17 cancel any part or all of a loan and may cancel the repayment
18 provisions of a grant if it determines that a permanent loan to
19 finance the rehabilitation or the construction of the housing
20 cannot be obtained in an amount adequate for repayment of the
21 loan.

22 (d) Availability of funds.--Funds, including motor license
23 funds and other special funds, appropriated or otherwise
24 available to any acquiring agency for a program or project,
25 which results in the displacement of any person, shall be
26 available also for obligations and expenditures to carry out the
27 provisions of this section.

28 § 905. Regulations.

29 The General Counsel shall promulgate rules and regulations
30 necessary to assure that:

(1) The payments authorized by this chapter shall be made in a manner which is fair and reasonable and as uniform as practicable.

(2) A displaced person who makes proper application for a payment authorized for that person by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance.

(3) Any person aggrieved by a determination as to eligibility for a payment authorized by this chapter or the amount of a payment may elect to have his application reviewed by the head of the acquiring agency.

(4) Each displaced person shall receive the maximum payments authorized by this chapter.

(5) Each acquiring agency may obtain the maximum Federal reimbursement for relocation payment and assistance costs authorized by any Federal law.

§ 906. Payments not to be considered as income or resources.

No payment received by a displaced person under this chapter shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any State law or for the purposes of the State or local personal income or wage tax laws, corporation tax laws or other tax laws. No payments under this chapter except those provided for in section 901(b) (relating to moving and related expenses of displaced persons) shall be subject to attachment or execution at law or in equity.

CHAPTER 11

EVIDENCE

Sec.

1101. Viewers' hearing.

1 1102. Condemnor's evidence before viewers.

2 1103. Trial in court on appeal.

3 1104. Competency of condemnee as witness.

4 1105. Evidence generally.

5 1106. Use of condemned property.

6 § 1101. Viewers' hearing.

7 The viewers may hear testimony, receive evidence and make
8 independent investigation as they deem appropriate, without
9 being bound by formal rules of evidence.

10 § 1102. Condemnor's evidence before viewers.

11 The condemnor shall, at the hearing before the viewers,
12 present expert testimony of the amount of damages suffered by
13 the condemnee.

14 § 1103. Trial in court on appeal.

15 At the trial in court on appeal:

16 (1) Either party may, as a matter of right, have the
17 jury or the judge in a trial without a jury view the property
18 involved, notwithstanding that structures have been
19 demolished or the site altered, and the view shall be
20 evidentiary. If the trial is with a jury, the trial judge
21 shall accompany the jury on the view.

22 (2) If any valuation expert who has not previously
23 testified before the viewers is to testify, the party calling
24 him must disclose his name and serve a statement of his
25 valuation of the property before and after the condemnation
26 and his opinion of the highest and best use of the property
27 before the condemnation and of any part remaining after the
28 condemnation on the opposing party at least ten days before
29 the commencement of the trial.

30 (3) The report of the viewers and the amount of their

1 award shall not be admissible as evidence.

2 § 1104. Competency of condemnee as witness.

3 The condemnee or an officer of a corporate condemnee, without
4 further qualification, may testify as to just compensation
5 without compliance with the provisions of section 1103(2)
6 (relating to trial in court on appeal).

7 § 1105. Evidence generally.

8 At the hearing before the viewers or at the trial in court on
9 appeal:

10 (1) A qualified valuation expert may, on direct or
11 cross-examination, state any or all facts and data which he
12 considered in arriving at his opinion, whether or not he has
13 personal knowledge of the facts and data, and his statement
14 of the facts and data and the sources of his information
15 shall be subject to impeachment and rebuttal.

16 (2) A qualified valuation expert may, on direct or
17 cross-examination, testify in detail as to the valuation of
18 the property on a comparable market value, reproduction cost
19 or capitalization basis, which testimony may include, but
20 shall not be limited to, the following:

21 (i) The price and other terms of any sale or
22 contract to sell the condemned property or comparable
23 property made within a reasonable time before or after
24 the date of condemnation.

25 (ii) The rent reserved and other terms of any lease
26 of the condemned property or comparable property which
27 was in effect within a reasonable time before or after
28 the date of condemnation.

29 (iii) The capitalization of the net rental or
30 reasonable net rental value of the condemned property,

1 including reasonable net rental values customarily
2 determined by a percentage or other measurable portion of
3 gross sales or gross income of a business which may
4 reasonably be conducted on the premises, as distinguished
5 from the capitalized value of the income or profits
6 attributable to any business conducted on the premises of
7 the condemned property.

8 (iv) The value of the land together with the cost of
9 replacing or reproducing the existing improvements less
10 depreciation or obsolescence.

11 (v) The cost of adjustments and alterations to any
12 remaining property made necessary or reasonably required
13 by the condemnation.

14 (3) Either party may show the difference between the
15 condition of the property and of the immediate neighborhood
16 at the time of condemnation and at the time of view, either
17 by the viewers or jury.

18 (4) The assessed valuations of property condemned shall
19 not be admissible in evidence for any purpose.

20 (5) A qualified valuation expert may testify that he has
21 relied upon the written report of another expert as to the
22 cost of adjustments and alterations to any remaining property
23 made necessary or reasonably required by the condemnation,
24 but only if a copy of the written report has been furnished
25 to the opposing party ten days in advance of the trial.

26 (6) If otherwise qualified, a valuation expert shall not
27 be disqualified by reason of not having made sales of
28 property or not having examined the condemned property prior
29 to the condemnation provided he can show he has acquired
30 knowledge of its condition at the time of the condemnation.

1 § 1106. Use of condemned property.

2 In arriving at his valuation of the remaining part of the
3 property in a partial condemnation, an expert witness may
4 consider and testify to the use to which the condemned property
5 is intended to be put by the condemnor.

6 Section 2. Title 42 is amended by adding a section to read:

7 § 702.1. Expedited appeals in eminent domain proceedings.

8 When a court in an eminent domain proceeding dismisses
9 preliminary objections to a declaration of taking and is of the
10 opinion that the matters involved are of immediate public
11 importance, it shall, upon request of a party, so state in the
12 order. If an appeal is taken from that order, the appellate
13 court shall give priority to the determination of the issues
14 raised by the appeal.

15 Section 3. Sections 5526, 5527, 5530(a) and 6121 of Title 42
16 are amended to read:

17 § 5526. Five year limitation.

18 The following actions and proceedings must be commenced
19 within five years:

20 (1) An action for revival of a judgment lien on real
21 property.

22 (2) An action for specific performance of a contract for
23 sale of real property or for damages for noncompliance
24 therewith.

25 (3) An action to enforce any equity of redemption or any
26 implied or resulting trust as to real property.

27 [(4) A proceeding in inverse condemnation, if property
28 has been injured but no part thereof has been taken, or if
29 the condemnor has made payment in accordance with section
30 407(a) or (b) (relating to possession and payment of

compensation) of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code."]

§ 5527. Six year limitation.

(a) Eminent domain.--

(1) If a condemnor has filed a declaration of taking, a petition for the appointment of viewers for the assessment of damages under Title 26 (relating to eminent domain) must be filed within six years from the date on which the condemnor first made payment in accordance with 26 Pa.C.S. § 307(a) or (b) (relating to possession, right of entry and payment of compensation). If payment is not required to be made under 26 Pa.C.S. § 307(a) to obtain possession, a petition for the appointment of viewers must be filed within six years of the filing of the declaration of taking.

(2) If the condemnor has not filed a declaration of taking, a petition for the appointment of viewers for the assessment of damages under Title 26 must be filed within six years from the date on which the asserted taking, injury or destruction of the property occurred or could reasonably have been discovered by the condemnee.

(b) Other civil action or proceeding.--Any civil action or proceeding which is neither subject to another limitation specified in this subchapter nor excluded from the application of a period of limitation by section 5531 (relating to no limitation) must be commenced within six years.

§ 5530. Twenty-one year limitation.

(a) General rule.--The following actions and proceedings must be commenced within 21 years:

(1) An action for the possession of real property.

(2) An action for the payment of any ground rent,

1 annuity or other charge upon real property, or any part or
2 portion thereof. If this paragraph shall operate to bar any
3 payment of such a rent, annuity or charge, the rent, annuity
4 or charge to which the payment relates shall be extinguished
5 and no further action may be commenced with respect to
6 subsequent payments.

7 [(3) A proceeding in inverse condemnation, if property
8 has been taken and the condemnor has not made payment in
9 accordance with section 407(a) or (b) (relating to possession
10 and payment of compensation) of the act of June 22, 1964
11 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain
12 Code."]

13 * * *

14 § 6121. Eminent domain matters.

15 Eminent domain matters shall be governed by the provisions of
16 [Article VII (relating to evidence) of the act of June 22, 1964
17 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code,"]
18 26 Pa.C.S. Ch. 11 (relating to evidence) in addition to the
19 provisions of this chapter.

20 Section 4. Section 1505 of Title 51 is amended to read:

21 § 1505. Donation of land by political subdivisions.

22 It shall be lawful for any county, city, borough, town or
23 township to acquire by purchase or by gift, or by the right of
24 eminent domain, any land for the use of the Pennsylvania
25 National Guard, and to convey such lands so acquired to the
26 Commonwealth of Pennsylvania. The proceedings for the
27 condemnation of lands under the provisions of this chapter and
28 for the assessment of damages for the property taken, injured or
29 destroyed shall be taken in the same manner as is now provided
30 by [the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as

1 the "Eminent Domain Code."] Title 26 (relating to eminent
2 domain).

3 Section 5. (a) The following acts and parts of acts are
4 repealed:

5 Section 41 of the act of April 29, 1874 (P.L.73, No.32),
6 entitled "An act to provide for the incorporation and regulation
7 of certain corporations."

8 Section 2003(e)(2)(i)(B) and (7) (except as much as reads:
9 "Revenue from any sale of land acquired with motor license funds
10 shall be deposited in the Motor License Fund.") of the act of
11 April 9, 1929 (P.L.177, No.175), known as The Administrative
12 Code of 1929.

13 Act of April 17, 1929 (P.L.531, No.234), entitled "An act
14 authorizing the courts of common pleas to direct the filing by
15 corporations of bonds to the Commonwealth, to secure payment of
16 damages for the taking of lands, waters, materials, or other
17 property or rights, or for injury thereto, in cases where there
18 is a disputed, doubtful, or defective title, or where any party
19 interested is absent, unknown, not of full age, of unsound mind,
20 or is an unincorporated association, or, from any cause, cannot
21 be bargained with or be served with notice or tendered a bond
22 within the county, and to appoint guardians ad litem or trustees
23 for such persons."

24 Act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the
25 Eminent Domain Code.

26 Act of December 6, 1972 (P.L.1410, No.304), known as the
27 Housing Replacement Authorization Act.

28 (b) Subsection H of section 322 of the act of May 5, 1933
29 (P.L.364, No.106), known as the Business Corporation Law, is
30 repealed insofar as it is inconsistent with this act.

1 (c) Nothing in this act shall repeal, modify or supplant the
2 following act except as to the measure of damages prescribed by
3 26 Pa.C.S. Ch. 7 of this act:

4 Articles XXVII, XXVIII and XXIX of the act of July 28, 1953
5 (P.L.23, No.230), known as the Second Class County Code, as they
6 are applicable to procedures in the court of common pleas with
7 respect to bridges, viaducts, culverts and roads.

8 (d) All other acts and parts of acts are repealed insofar as
9 they are inconsistent with this act.

10 Section 6. This act shall apply to all condemnations
11 effected on or after the effective date of this act. However,
12 the provisions of 26 Pa.C.S. § 713 relating to the rate of
13 interest for compensation for delay shall apply to all periods
14 of time thereafter with respect to condemnations effected prior
15 to the effective date of this act. The amendments to 42 Pa.C.S.
16 §§ 5526, 5527 and 5530 shall apply only to causes of action
17 which accrue after the effective date of this act.

18 Section 7. This act shall take effect in 180 days.