

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1248 Session of
1977

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LIVENGOD, D. R. WRIGHT, DeWEESE, BURNS, WEIDNER AND WILSON,
JUNE 7, 1977

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 7, 1977

AN ACT

1 Providing for the preservation of historic resources, and
2 providing penalties.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Delay of
9 Demolition Law."

10 Section 2. Findings and declaration of policy.

11 It is hereby determined and declared as a matter of
12 legislative finding and policy that:

13 (1) The irreplaceable historical, architectural,
14 archeological and cultural heritage of the Commonwealth
15 should be preserved and protected for the benefit of all of
16 the people, including future generations.

17 (2) The preservation and protection of historic
18 resources requires thoughtful planning and sensitive
19 vigilance on the part of all private citizens and public
20 officials of the Commonwealth.

21 (3) The purpose of this act is to promote the public
22 welfare by preserving historic resources that are important
23 to the education, culture, traditions and economic values of
24 the Commonwealth and to afford public officials and private
25 citizens the opportunity to acquire or otherwise provide for
26 the preservation of significant historic resources.

27 Section 3. Definitions.

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

1 "Commission." The Historical and Museum Commission of the
2 Commonwealth.

3 "Historic or architectural integrity." The details,
4 qualities, materials, workmanship, associations and other
5 features that make a property eligible for the Pennsylvania
6 Register of Historic Places.

7 "Historic preservation." The research, restoration,
8 rehabilitation and other activities furthering the protection,
9 enhancement, continued existence or enjoyment of historic
10 resources.

11 "Historic resources." Any building, structure, object,
12 district, place, site or area significant in the history,
13 architecture, archeology or culture of the Commonwealth, its
14 communities or the Nation.

15 "Pennsylvania Register of Historic Places." A selected
16 inventory of significant historic resources compiled and
17 maintained by the commission.

18 Section 4. Listing of historic resources.

19 The commission shall periodically compile and publish the
20 Pennsylvania Register of Historic Places, to which historic
21 resources may be added by the commission on its own initiative
22 or at the request of any person. When any historic resource, in
23 whole or in part, is the subject of a sales negotiation, the
24 owner or the agent of the owner must make known to the potential
25 buyer any and all restrictions on the demolition or alteration
26 of the resource as soon as such negotiation is begun.

27 Section 5. Notice of registration.

28 Prior to listing any historic resource on the Pennsylvania
29 Register of Historic Places, the commission shall notify the
30 owner of the resource of its proposed action and shall give the

1 owner a reasonable opportunity to make written comments on the
2 significance of the resource. In the case of historic districts,
3 where notice to individual property owners is not practicable,
4 appropriate county or municipal officials shall be notified.
5 Upon actual listing of any historic resource on the Pennsylvania
6 Register of Historic Places, the owner or, in the case of
7 historic districts, relevant public officials shall be notified
8 of the commission's action. Such notice shall describe the
9 historic or architectural integrity of the resource. The
10 recorder of deeds in the county and the agency charged by law or
11 by local ordinance with the issuance of building permits for the
12 political subdivision in which the historic resource is located
13 shall be notified of the commission's action and shall enter in
14 the appropriate public records notice that the historic resource
15 has been listed on the Pennsylvania Register of Historic Places.
16 Section 6. Demolition or alteration of historic resources.

17 No person shall demolish or alter the historic or
18 architectural integrity of any building or other historic
19 resource listed on the Pennsylvania Register of Historic Places
20 before the owner has obtained a certificate of compliance from
21 the commission.

22 Section 7. Notice to the commission.

23 The owner or any other person who intends to demolish or
24 alter the historic or architectural integrity of an historic
25 resource listed on the Pennsylvania Register of Historic Places
26 shall give timely written notice of this intention to the
27 commission and local governmental units and shall apply for a
28 certificate of compliance. All agencies charged by law or by
29 local ordinance with the issuance of building permits shall
30 advise property owners of their responsibilities under this

1 section and shall cooperate with the commission to insure that
2 the goals of this act are achieved.

3 Section 8. Action by the commission.

4 Within 60 days of receiving an application for a certificate
5 of compliance, the commission shall determine that:

6 (1) it has no objection to the demolition or alteration
7 of the historic resource, in which case a certificate of
8 compliance shall be issued immediately; or

9 (2) the purposes of this act may be best achieved by
10 postponing the proposed demolition or alteration for a
11 designated period, not to exceed six months from the date of
12 the commission's determination under this section, in which
13 case a delay of demolition notice shall be issued
14 immediately.

15 Section 9. Good faith historic preservation effort.

16 Upon receipt of a delay in demolition notice, the owner of
17 any historic resource listed on the Pennsylvania Register of
18 Historic Places and all other interested parties shall engage
19 with the commission in a good faith effort to explore every
20 practically feasible alternative to demolition or alteration
21 that would preserve the historical and architectural integrity
22 of the historic resource under consideration.

23 Section 10. Commission preservation initiatives.

24 In the period following issuance of a delay in demolition
25 notice, the commission shall initiate a comprehensive effort to
26 preserve the historic and architectural integrity of the
27 historic resource listed on the Pennsylvania Register of
28 Historic Places, including but not limited to:

29 (1) Providing technical assistance regarding the
30 adaptive reuse and compatible alteration of older structures.

1 (2) Disseminating information on available public and
2 private financial support for the preservation of historic
3 resources.

4 (3) Holding public meetings and engaging in other
5 activities that may generate support for the preservation of
6 the historic resource.

7 Section 11. Threats to health and safety.

8 In any case where the commission determines that there exists
9 an imminent threat to public health and safety, it shall waive
10 all of the requirements of this act and shall immediately issue
11 a certificate of compliance.

12 Section 12. Issuance of certificate of compliance.

13 The commission shall issue a certificate of compliance
14 whenever:

15 (1) the applicant has negotiated in good faith and
16 further delay would not be productive;

17 (2) it is determined that the applicant's proposed
18 action would not adversely effect the historic resource; or

19 (3) the applicant agrees to modify the proposed action
20 to reduce or eliminate its adverse effect.

21 Section 13. State assisted or licensed projects.

22 All agencies, departments, bureaus, commissions,
23 instrumentalities and employees of the Commonwealth shall
24 insure, unless no prudent and feasible alternative exists, that
25 the Commonwealth does not fund, license or otherwise undertake
26 or assist any project or action that would demolish or alter the
27 historic or architectural integrity of any historic resource
28 listed on the Pennsylvania Register of Historic Places.

29 Section 14. Enforcement.

30 The Attorney General, the commission, any political

1 subdivision of the Commonwealth, any person, partnership,
2 corporation, association or other legal entity may maintain an
3 action in any administrative tribunal or court of competent
4 jurisdiction for the enforcement of this act or to protect or
5 preserve any historic resource in the Commonwealth.

6 Section 15. Penalties for violations.

7 Any person who willfully violates any provision of this act
8 shall be liable for a civil penalty not to exceed \$10,000,
9 provided that no penalty under this section shall exceed the
10 cost of restoring, where possible, the historic or architectural
11 integrity of the historic resource to its condition prior to the
12 violation of this section.

13 Section 16. Effective date.

14 This act shall take effect in 60 days.