

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 997** Session of
1999

INTRODUCED BY BRIGHTBILL, JUBELIRER, PICCOLA, EARLL, KITCHEN,
O'PAKE, HELFRICK, MADIGAN, HOLL, SALVATORE, COSTA, LEMMOND,
WHITE, CORMAN, GERLACH, THOMPSON AND SLOCUM, JUNE 3, 1999

SENATOR LOEPER, RULES AND EXECUTIVE NOMINATIONS, RE-REPORTED AS
AMENDED, OCTOBER 18, 1999

AN ACT

1 Requiring purchasers of real estate with buildings thereon to
2 bring the buildings into compliance with municipal codes;
3 providing for nuisance abatement; and imposing penalties.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Municipal
8 Code and Ordinance Compliance Act.

9 Section 2. Definitions.

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

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

1 violation that is a matter of public record.

2 "Known to have." Knowledge of a violation based on actual or
3 constructive knowledge.

4 "Municipality." Any county, city, borough, incorporated
5 town, township, home rule municipality, optional plan
6 municipality, optional charter municipality or any similar
7 general purpose unit of government which may be created or
8 authorized by statute.

9 "SUBSTANTIAL VIOLATION." A VIOLATION OF A BUILDING, HOUSING, <—
10 PROPERTY MAINTENANCE OR FIRE CODE WHICH VIOLATION POSED A THREAT
11 TO HEALTH, SAFETY OR PROPERTY, BUT NOT A VIOLATION OF SUCH A
12 CODE DEEMED BY A COURT TO BE DE MINIMIS.

13 Section 3. Compliance requirement.

14 (a) General rule.--Any purchaser of any building, structure
15 or part of a building or structure known to have substantial
16 violations of municipal codes relating to building, housing,
17 property maintenance or fire is required to bring the building,
18 structure or that part of a building or structure into
19 compliance with those codes or demolish the building or
20 structure pending the approval of the municipality within 18
21 months of the date of purchase or longer subject to an agreement
22 between the purchaser and the municipality.

23 (b) Penalty.--Failure to comply with the requirements of
24 subsection (a) shall result in the purchaser being personally
25 liable for the costs of repairs or demolition and a fine of not
26 less than \$1,000 and not more than \$10,000. Fines shall be
27 remitted to the municipality in which the building, structure or
28 part of a building or structure is located. In municipalities
29 with low-income housing, not less than one third of the fine
30 imposed shall be used by the municipality for low-income housing

1 in a manner determined by the municipality.

2 (c) Nuisance ordinances.--

3 (1) Any purchaser of any lot or parcel of land known to
4 have substantial violations of municipal nuisance ordinances
5 relating to maintenance, health or safety is required to make
6 a reasonable attempt to abate the nuisance within one year of
7 the date of purchase.

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

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

16 Section 4. Effective date.

17 This act shall take effect in 60 days.