

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 113 Session of  
2005

INTRODUCED BY WHEATLEY, DeLUCA, BELFANTI, ARMSTRONG, FABRIZIO,  
FRANKEL, GERGELY, GOODMAN, JAMES, W. KELLER, KIRKLAND, KOTIK,  
LEDERER, MELIO, READSHAW, REICHLEY, SCAVELLO, SHANER,  
STABACK, THOMAS, TIGUE, WASHINGTON AND YOUNGBLOOD,  
JANUARY 25, 2005

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 25, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for the  
3 period of limitation in the doctrine of adverse possession;  
4 and making related repeals.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 5527.1. Ten-year limitation.

10 (a) General rule.--Notwithstanding section 5530(a)(1)  
11 (relating to twenty-one year limitation), an action for the  
12 possession of real property on which there is a single-family  
13 dwelling brought against an individual who has used that single-  
14 family dwelling as a domicile for at least ten years must be  
15 commenced within ten years.

16 (b) Entry upon land.--No entry upon real property shall toll  
17 the running of the period of limitation specified in subsection

1 (a), unless a possessory action is commenced for the real  
2 property within one year after entry. Without recovery, an entry  
3 and commencement of a possessory action shall not toll the  
4 running of the period of limitation with respect to another  
5 possessory action, unless the other possessory action is  
6 commenced within one year after the termination of the first.

7 Section 2. Section 5530(a)(1) of Title 42 is amended to  
8 read:

9 § 5530. Twenty-one year limitation.

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

12 (1) [An] Except as provided in section 5527.1 (relating  
13 to ten-year limitation), an action for the possession of real  
14 property.

15 \* \* \*

16 Section 3. (a) The act of May 31, 1901 (P.L.352, No.217),  
17 entitled "An act to provide for the recording, in certain  
18 instances, of titles to real estate acquired by twenty-one  
19 years' adverse possession," is repealed insofar as it is  
20 inconsistent with this act.

21 (b) All other acts and parts of acts are repealed insofar as  
22 they are inconsistent with this act.

23 Section 4. This act shall not affect the title to real  
24 property which is the subject of an action commenced prior to  
25 the effective date of this section.

26 Section 5. This act shall take effect in 60 days.