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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2747 Session of 2008

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INTRODUCED BY J. TAYLOR, ARGALL, PETRONE, CARROLL, FLECK,  
FRANKEL, GEORGE, HALUSKA, HESS, KORTZ, MANDERINO, MARSHALL,  
RAMALEY, SCAVELLO, VULAKOVICH, WATSON AND WOJNAROSKI,  
AUGUST 28, 2008

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REFERRED TO COMMITTEE ON FINANCE, AUGUST 28, 2008

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AN ACT

1 Providing for the tax sale of abandoned properties.

2 The General Assembly finds and declares as follows:

3 (1) Pennsylvania's older communities are vital to the  
4 Commonwealth's economic health by providing a focal point for  
5 businesses and services and to the Commonwealth's quality of  
6 life with their rich histories and diverse communities.

7 However, many older communities suffer from blighted  
8 properties that have been abandoned by their owners.

9 (2) The citizens of this Commonwealth are adversely  
10 affected by abandoned, blighted and tax-delinquent  
11 residential, commercial and industrial properties, including  
12 those citizens who live or work in proximity to substandard  
13 buildings, as well as those who own property in the vicinity  
14 of the buildings.

15 (3) Abandoned, blighted and tax-delinquent residential,  
16 commercial and industrial structures pose a safety threat and

1 public nuisance, and their blighting effect diminishes the  
2 value of nearby property.

3 (4) If these buildings are not demolished or  
4 rehabilitated and brought into code compliance, they are  
5 likely to remain abandoned and further deteriorate, resulting  
6 in increased cost to the Commonwealth, municipality and  
7 taxpayers to secure and ultimately demolish these buildings.

8 (5) Properties sold at tax sale sometimes remain  
9 blighted and become tax delinquent again.

10 (6) Providing a mechanism to remove or transform  
11 abandoned, blighted and tax-delinquent buildings into  
12 productive reuse is an opportunity for communities to  
13 modernize, revitalize and grow, and to improve both the local  
14 economy and the quality of life for neighbors.

15 (7) The General Assembly declares that it is in the best  
16 interests of the Commonwealth, municipalities and communities  
17 to establish a process, as set forth under this act, for  
18 declaring properties abandoned and ensuring that such  
19 properties, when purchased at tax sale, will be demolished or  
20 rehabilitated and returned to productive use.

21 The General Assembly of the Commonwealth of Pennsylvania  
22 hereby enacts as follows:

23 Section 1. Short title.

24 This act shall be known and may be cited as the Abandoned  
25 Property Tax Sale Act.

26 Section 2. Definitions.

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

30 "Abandoned property."

1           (1) A property on which there is a building that has not  
2       been legally occupied for at least the previous 12 months and  
3       the municipality finds at least one of the following:

4           (i) The building is a public nuisance.

5           (ii) The building is in need of substantial  
6       rehabilitation and no rehabilitation has taken place  
7       during the previous 12 months.

8           (iii) The building is unfit for human habitation,  
9       occupancy or use.

10          (iv) The condition and vacancy of the building  
11       materially increases the risk of fire to the building and  
12       to adjacent properties.

13          (v) The building is subject to unauthorized entry  
14       leading to potential health and safety hazards and the  
15       owner has failed to take reasonable and necessary  
16       measures to secure the building, or the municipality has  
17       secured the building in order to prevent such hazards  
18       after the owner has failed to do so.

19          (vi) The property is an attractive nuisance to  
20       children, including the presence of abandoned wells,  
21       shafts, basements, excavation and unsafe structures.

22          (vii) The presence of vermin or the accumulation of  
23       debris, uncut vegetation or physical deterioration of the  
24       structure or grounds has created potential health and  
25       safety hazards and the owner has failed to take  
26       reasonable and necessary measures to remove the hazards.

27          (viii) The dilapidated appearance or other condition  
28       of the building negatively affects the economic well-  
29       being of residents and businesses in close proximity to  
30       the building, including decreases in property value and

1           loss of business and the owner has failed to take  
2           reasonable and necessary measures to remedy the  
3           conditions.

4           (ix) The property is an attractive nuisance for  
5           illicit purposes, including prostitution, drug use and  
6           vagrancy.

7           (2) The term shall include structures if the structures  
8           are the only improvements on the property.

9           (3) The term shall not include auxiliary structures  
10          which are incidental to the main building on the property.

11          "Municipality." Any city of the first, second, second class  
12          A or third class, any incorporated town, any township of the  
13          first or second class and any borough.

14          "Public nuisance." Any property which because of physical  
15          condition or use is regarded as a public nuisance at common law  
16          or has been declared a public nuisance in accordance with the  
17          local housing, building, health, fire or related codes.

18          Section 3. Publication of notice and review by municipality.

19          (a) List.--At least 60 days prior to the date scheduled for  
20          a tax sale, the county shall make public a list of properties to  
21          be offered at the sale. The county shall provide a copy of the  
22          list to the mayor, or comparable municipal official, of any  
23          municipality in which a property scheduled for sale is located.

24          (b) Notification.--Within 30 days of receipt of the list  
25          under subsection (a), the municipality may notify the county of  
26          any abandoned properties within its jurisdiction.

27          (c) Sale.--No less than 15 days prior to the scheduled tax  
28          sale, the county shall make public a revised list of properties  
29          to be offered for sale indicating which are abandoned.

30          Section 4. Requirements for purchaser of abandoned properties.

1 In addition to any other requirements of the act of May 16,  
2 1923 (P.L.207, No.153), referred to as the Municipal Claim and  
3 Tax Lien Law, the act of July 7, 1947 (P.L.1368, No.542), known  
4 as the Real Estate Tax Sale Law, or the act of October 11, 1984  
5 (P.L.876, No.171), known as the Second Class City Treasurer's  
6 Sale and Collection Act, the purchaser of an abandoned property  
7 shall do all of the following:

8 (1) Within 30 days of the sale and prior to the transfer  
9 of title, enter into a redevelopment agreement with the  
10 municipality in which the property is located or, at the  
11 option of the municipality, with the redevelopment authority  
12 obligating the purchaser to redevelop the property in  
13 accordance with all municipal codes and any officially  
14 adopted plans for the geographic area in which the property  
15 is located. If the municipality or the redevelopment  
16 authority determines that demolition of the building is  
17 appropriate, the purchaser may demolish instead of  
18 redeveloping the property. The redevelopment plan shall  
19 include all of the following at a minimum:

20 (i) A specified time by which the redevelopment or  
21 demolition must be completed.

22 (ii) A description of the redevelopment work or  
23 demolition to be completed.

24 (iii) Remedies for noncompliance, including the  
25 right of the municipality or redevelopment authority to  
26 acquire title to the property if the redevelopment or  
27 demolition is not completed by the agreed-upon date.

28 (2) Within 30 days of the sale and prior to the transfer  
29 of title, post a bond to ensure compliance with the  
30 redevelopment agreement, naming the municipality or

- 1 redevelopment authority as the beneficiary.
- 2 Section 5. Effective date.
- 3 This act shall take effect in 90 days.