

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 900 Session of 2009

INTRODUCED BY ARGALL, YAW, PIPPY, ERICKSON, RAFFERTY, KASUNIC, WONDERLING, COSTA, O'PAKE, BROWNE, BAKER, FERLO, WASHINGTON, ALLOWAY, BOSCOLA, STACK, EARLL, EICHELBERGER, WILLIAMS, WARD, TOMLINSON, LOGAN, FOLMER AND KITCHEN, JUNE 17, 2009

AS AMENDED ON SECOND CONSIDERATION, JUNE 28, 2010

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, providing for neighborhood blight
3 reclamation and revitalization.

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

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 61

9 NEIGHBORHOOD BLIGHT

10 RECLAMATION AND REVITALIZATION

11 Subchapter

12 A. Preliminary Provisions

13 B. Actions Against Owner of Blighted Property

14 C. Permit Denials by Municipalities

15 D. Miscellaneous Provisions

16 SUBCHAPTER A

17 PRELIMINARY PROVISIONS

1 Sec.

2 6101. Short title of chapter.

3 6102. Definitions.

4 § 6101. Short title of chapter.

5 This chapter shall be known and may be cited as the
6 Neighborhood Blight Reclamation and Revitalization Act.

7 § 6102. Definitions.

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

11 ~~"Abandoned property." A property on which there is a~~ ←
12 ~~building that has not been legally occupied for at least the~~
13 ~~previous 12 months and is a blighted property.~~

14 "Blighted property." Any of the following:

15 (1) Premises which, because of physical condition or
16 use, have been declared by a court of competent jurisdiction
17 as a public nuisance at common law or have been declared a
18 public nuisance in accordance with the local housing,
19 building, plumbing, fire and related codes and ordinances,
20 including nuisance and dangerous building ordinances.

21 (2) Premises which, because of physical condition, use
22 or occupancy, are considered an attractive nuisance to
23 children, including, but not limited to, abandoned wells,
24 shafts, basements, excavations and unsafe fences or
25 structures.

26 (3) A dwelling which, because it is dilapidated,
27 unsanitary, unsafe, vermin-infested or lacking in the
28 facilities and equipment required under the housing code of
29 the municipality, has been designated by the municipal
30 department responsible for enforcement of the code as unfit

1 for human habitation.

2 (4) A structure which is a fire hazard ~~or is otherwise~~ ←
3 ~~dangerous to the safety of persons or property.~~

4 (5) A vacant or unimproved lot or parcel of ground in a
5 predominantly built-up neighborhood which, by reason of
6 neglect or lack of maintenance, has become a place for
7 accumulation of trash and debris or a haven for rodents or
8 other vermin.

9 (6) An unoccupied property which has been tax delinquent
10 for a period of two years.

11 (7) A property which is vacant but not tax delinquent
12 and which has not been rehabilitated within one year of the
13 receipt of notice to rehabilitate from the appropriate code
14 enforcement agency.

15 "Building." A residential, commercial or industrial building
16 or structure and the land appurtenant to it.

17 "Code." A building, housing, property maintenance, fire,
18 health or other public safety ordinance enacted by a
19 municipality.

20 "Competent entity." A person or entity, including a
21 governmental unit, with experience in the rehabilitation of
22 residential, commercial or industrial buildings and the ability
23 to provide or obtain the necessary financing for such
24 rehabilitation.

25 "Consumer." A person who is a named insured, insured or
26 beneficiary of a policy of insurance or any other person who may
27 be affected by the Insurance Department's exercise of or the
28 failure to exercise its authority.

29 "Cost of rehabilitation." Costs and expenses for
30 construction, stabilization, rehabilitation, demolition and

1 reasonable nonconstruction costs associated with any of these
2 projects, including, but not limited to, environmental
3 remediation, architectural, engineering and legal fees, permits,
4 financing fees and a developer's fee consistent with the
5 standards for developer's fees established by the Pennsylvania
6 Housing Finance Agency.

7 "Court." The appropriate court of common pleas.

8 "Mortgage lender." A business association defined as a
9 "banking institution" or "mortgage lender" under 7 Pa.C.S. Ch.
10 61 (relating to mortgage loan industry licensing and consumer
11 protection) that is in possession of or holds title to real
12 property pursuant to, in enforcement of or to protect rights
13 arising under, a mortgage, mortgage note, deed of trust or other
14 transaction that created a security interest in the real
15 property.

16 "Municipality." A city, borough, incorporated town, township
17 or home rule, optional plan or optional charter municipality or
18 municipal authority in this Commonwealth. The term also includes
19 any other governmental entity charged with enforcement of
20 municipal housing, building, plumbing, fire and related codes
21 and specifically includes a neighborhood improvement district
22 and nonprofit corporation created under the act of December 20,
23 2000 (P.L.949, No.130), known as the Neighborhood Improvement
24 District Act.

25 "Municipal permits." Privileges relating to real property
26 granted by a municipality, including, but not limited to,
27 building permits, exceptions to zoning ordinances and occupancy
28 permits.

29 "Owner." A holder of the title to residential, commercial or
30 industrial real estate, other than a mortgage lender, who

1 possesses and controls the real estate. The term includes, but
2 is not limited to, heirs, assigns, beneficiaries and lessees,
3 provided this ownership interest is a matter of public record.

4 "Property maintenance code." A municipal ordinance which
5 regulates the maintenance or development of real property.

6 "Property maintenance code violation." A violation of a
7 municipal property maintenance code.

8 "Public nuisance." Property which, because of its physical
9 condition or use, is regarded as a public nuisance at common law
10 or has been declared by the appropriate official a public
11 nuisance in accordance with a municipal code.

12 "Serious violation." A violation of a STATE LAW OR MUNICIPAL ←
13 housing, building, property maintenance or fire safety code that
14 poses an immediate threat to the health and safety of a dwelling
15 occupant, occupants in surrounding structures or passersby.

16 "Substantial step." An affirmative action as determined by a ←
17 municipality AN INDEPENDENT THIRD PARTY OR OFFICER OF THE COURT ←
18 on the part of a property owner or managing agent, as determined ←
19 by the municipality, to remedy a TO REMEDY A SERIOUS violation ←
20 of a STATE LAW OR MUNICIPAL code, including, but not limited to, ←
21 physical improvements or reparations to the property.

22 "Tax delinquent property." Tax delinquent real property as
23 defined under the act of July 7, 1947 (P.L.1368, No.542), known
24 as the Real Estate Tax Sale Law, located in any municipality in
25 this Commonwealth.

26 SUBCHAPTER B

27 ACTIONS AGAINST OWNER OF BLIGHTED PROPERTY

28 Sec.

29 6111. Actions.

30 6112. Asset attachment.

1 6113. Duty of out-of-State owners of real estate in this
2 Commonwealth.

3 6114. Duty of corporate owners.

4 § 6111. Actions.

5 In addition to other remedies, a municipality may institute
6 the following actions against the owner of any building, housing
7 or land in serious violation of an ordinance regarding a code or
8 which causes the property to be blighted:

9 (1) An in personam action may be initiated for a
10 continuing violation for which the owner takes no substantial
11 step to correct within ~~60 days~~ SIX MONTHS following receipt ←
12 of an order to correct the violation, unless the order is
13 subject to a pending appeal before the administrative agency
14 or court.

15 (2) An action against the owner shall be for an amount
16 equal to any penalties imposed against the owner and for the
17 amount expended by the municipality to abate the violation.

18 (3) A proceeding in equity.

19 § 6112. Asset attachment.

20 A (A) GENERAL RULE.--A lien may be placed against the assets ←
21 of an owner of unremediated blighted real property after a
22 judgment, decree or order is entered by a court of competent
23 jurisdiction against the owner of the property.

24 (B) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE ←
25 CONSTRUED TO AUTHORIZE, IN THE CASE OF AN OWNER THAT IS A
26 CORPORATION, A LIEN ON THE INDIVIDUAL ASSETS OF THE SHAREHOLDERS
27 OF THE CORPORATION.

28 § 6113. Duty of out-of-State owners of real estate in this
29 Commonwealth.

30 A person who lives or has a principal place of residence

1 outside this Commonwealth, who owns real estate in this
2 Commonwealth against which code violations have been cited under
3 18 Pa.C.S. § 7510 (relating to municipal housing code
4 avoidance), and who has been properly notified of the violations
5 may be extradited to this Commonwealth to face criminal
6 prosecution.

7 § 6114. Duty of corporate owners.

8 Where, after reasonable efforts, service of process for a
9 notice or citation for any code violation for any property owned
10 by a corporation or business association cannot be accomplished
11 by handing a copy of the notice or citation to an executive
12 officer, partner or trustee of the corporation or business
13 association or to the manager, trustee or clerk in charge of the
14 property, the delivery of the notice or citation may occur by
15 registered mail, accompanied by a delivery confirmation:

16 (1) To the registered office of the corporation or
17 business association.

18 (2) Where a corporation or business association does not
19 have a registered office, to the mailing address used for
20 real estate tax collection purposes, if accompanied by the
21 posting of a conspicuous notice to the property and by
22 handing a copy of the notice or citation to any adult in
23 possession of the property.

24 SUBCHAPTER C

25 PERMIT DENIALS BY MUNICIPALITIES

26 Sec.

27 6131. Municipal permit denial.

28 § 6131. Municipal permit denial.

29 (a) Denial.--

30 (1) A municipality may deny issuing to an applicant a

1 building permit, zoning permit, zoning variance, municipal
2 license, municipal permit or municipal approval for
3 contemplated action that requires the approval of the
4 municipality, if any of the following final and unappealable
5 tax, water, sewer or refuse collection delinquencies or code ←
6 violations apply: SERIOUS VIOLATIONS OF STATE LAW OR ←
7 MUNICIPAL CODE FOR REAL PROPERTY WHICH:

8 (i) The applicant owns real property in any ←
9 municipality for which taxes, water, sewer or refuse ←
10 collection charges are delinquent.

11 (ii) The applicant owns real property in any
12 municipality that has been determined to be in serious
13 violation of applicable State or municipal code
14 requirements and has not taken substantial steps to bring
15 the property into code compliance.

16 (iii) The applicant owns any property in any
17 municipality which is in. ←

18 (II) IS IN SERIOUS violation of an applicable State
19 law or municipal code requirement and THE APPLICANT has ←
20 taken no substantial steps to correct within six months
21 following notification of the violation.

22 (2) Letters required under this subsection shall be ←
23 verified by the appropriate municipal officials before
24 issuing to the applicant a municipal variance, approval,
25 permit or license.

26 (3) (2) The municipal permit denial shall not apply to ←
27 an applicant's action to correct a violation of an applicable
28 State law or municipal code for which the building permit,
29 zoning permit, zoning variance, municipal license, municipal
30 permit or municipal approval for contemplated action

1 requiring such approval is required.

2 ~~(4)~~ (3) The municipal permit denial shall not apply to ←
3 an applicant's delinquency on taxes, water, sewer or refuse
4 collection charges that are under appeal or otherwise
5 contested through a court or administrative process.

6 (b) Proof of compliance.--

7 (1) All municipal variances, approvals, permits or
8 licenses may be withheld until an applicant obtains a letter
9 from the appropriate State agency, municipality or school
10 district indicating the following:

11 (i) The property in question is not presently tax
12 delinquent.

13 (ii) The property in question is now in code
14 compliance.

15 (iii) The owner of the property in question has ←
16 taken substantial steps to bring the property into code
17 compliance. HAS PRESENTED AND THE APPROPRIATE STATE ←
18 AGENCY OR MUNICIPALITY HAS ACCEPTED A PLAN TO BEGIN
19 REMEDICATION OF A SERIOUS VIOLATION OF STATE LAW OR
20 MUNICIPAL CODE, SUBJECT TO THE FOLLOWING:

21 (A) ACCEPTANCE OF THE PLAN MAY BE CONTINGENT ON
22 THE BEGINNING OF THE REMEDIATION PLAN WITHIN NO FEWER
23 THAN 30 DAYS FOLLOWING ACCEPTANCE OF THE PLAN; OR

24 (B) ACCEPTANCE OF THE PLAN MAY BE CONTINGENT
25 UPON THE COMPLETION OF THE REMEDIATION PLAN WITHIN NO
26 FEWER THAN 90 DAYS FROM THE COMMENCEMENT OF THE
27 REMEDICATION PLAN.

28 (2) Letters required under this subsection shall be
29 verified by the appropriate municipal officials before
30 issuing to the applicant a municipal variance, approval,

1 permit or license.

2 (c) Applicability of other law.--A denial of a building
3 permit, zoning permit, zoning variance, municipal license,
4 municipal permit or municipal approval for contemplated actions
5 that requires approval of a municipality shall be subject to the
6 provisions of 2 Pa.C.S. Chs. 5 Subch. B (relating to practice
7 and procedure of local agencies) and 7 Subch. B (relating to
8 judicial review of local agency action).

9 SUBCHAPTER D

10 MISCELLANEOUS PROVISIONS

11 Sec.

12 6141. Education and training programs for judges.

13 6142. County housing courts.

14 6143. Conflict with other laws.

15 § 6141. Education and training programs for judges.

16 The Administrative Office of Pennsylvania Courts may develop
17 and implement annual and ongoing education and training programs
18 for judges, including magisterial district judges, regarding the
19 laws of this Commonwealth relating to blighted and abandoned
20 property and the economic impact that blighted and abandoned
21 properties have upon municipalities. The education and training
22 programs shall include, but not be limited to:

23 (1) The importance and connection of code violations and
24 crime.

25 (2) Time-in-fact violations as they relate to code
26 violations.

27 (3) Conduct of witnesses in prosecuting code violations.

28 (4) Limiting continuances in code violations.

29 (5) Use of indigency hearings in the prosecution of code
30 violations.

1 § 6142. County housing courts.

2 Upon a request or approval of a resolution by the county
3 commissioners, the president judge of a county may establish a
4 housing court to hear and decide matters arising under this
5 chapter and other laws relating to real property matters.

6 § 6143. Conflict with other law.

7 In the event of a conflict between the requirements of this
8 chapter and Federal requirements applicable to demolition,
9 disposition or redevelopment of buildings, structures or land
10 owned by or held in trust for the Government of the United
11 States and regulated pursuant to the United States Housing Act
12 of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and the
13 regulations promulgated thereunder, the Federal requirements
14 shall prevail.

15 Section 2. This act shall take effect in 90 days.