

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2302 Session of
2014

INTRODUCED BY HARHAI, SCHREIBER, KOTIK, HARKINS, SCHLOSSBERG,
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GOODMAN, FLYNN, KULA, BARBIN, DEASY AND DONATUCCI,
JUNE 3, 2014

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 6, 2014

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in preemptions, providing for
3 protection for victims of abuse or crime; in neighborhood
4 blight reclamation and revitalization, establishing a grant
5 program for municipalities to establish code enforcement
6 programs and hire code enforcement personnel; providing for
7 powers and duties of the Department of Community and Economic
8 Development; and providing for imposition of a surcharge.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Title 53 of the Pennsylvania Consolidated
12 Statutes is amended by adding a section to read:

13 ~~§ 303~~ 304. Protection for victims of abuse or crime.

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14 (a) Declaration of policy.--The General Assembly finds and
15 declares as follows:

16 (1) It is the public policy of the Commonwealth to
17 ensure that all victims of abuse and crime and individuals in
18 an emergency are able to contact police or emergency
19 assistance without penalty.

1 (2) This section is intended to shield residents,
2 tenants and landlords from penalties that may be levied
3 pursuant to enforcement of an ordinance or regulation if
4 police or emergency services respond to a residence or
5 tenancy to assist a victim of abuse or crime or individuals
6 in an emergency.

7 (3) This section is not intended to prohibit
8 municipalities from enforcing an ordinance or regulation
9 against a resident, tenant or landlord where police or
10 emergency services respond to a residence or tenancy that
11 does not involve assistance to a victim of abuse or crime or
12 individuals in an emergency.

13 (b) Protection.--No ordinance enacted by a municipality
14 shall penalize a resident, tenant or landlord for a contact made
15 for police or emergency assistance by or on behalf of a victim
16 of abuse as defined in 23 Pa.C.S. § 6102 (relating to
17 definitions), a victim of a crime pursuant to 18 Pa.C.S.
18 (relating to crimes and offenses) or an individual in an
19 emergency pursuant to 35 Pa.C.S. § 8103 (relating to
20 definitions), if the contact was made based upon the reasonable
21 belief of the person making the contact that intervention or
22 emergency assistance was necessary to prevent the perpetration
23 or escalation of the abuse, crime or emergency or if the
24 intervention or emergency assistance was actually needed in
25 response to the abuse, crime or emergency.

26 (c) Remedies.--If a municipality enforces or attempts to
27 enforce an ordinance against a resident, tenant or landlord in
28 violation of subsection (b), the resident, tenant or landlord
29 may bring a civil action for a violation of this section and
30 seek an order from a court of competent jurisdiction for any of

1 the following remedies:

2 (1) An order requiring the municipality to cease and
3 desist the unlawful practice.

4 (2) Payment of compensatory damages, provided that a
5 resident, tenant or landlord shall make a reasonable effort
6 to mitigate any damages.

7 (3) Payment of reasonable attorney fees.

8 (4) Payment of court costs.

9 (5) Other equitable relief, including, but not limited
10 to, reinstating a rental license or rental permit, as the
11 court may deem appropriate.

12 (d) Preemption.--This section preempts any local ordinance
13 or regulation insofar as it is inconsistent with this section,
14 irrespective of the effective date of the ordinance or
15 regulation. This section shall not affect or apply to
16 enforcement of the act of October 11, 1995 (1st Sp.Sess.,
17 P.L.1066, No.23), known as the Expedited Eviction of Drug
18 Traffickers Act, or to the enforcement of 18 Pa.C.S. § 7511
19 (relating to control of alarm devices and automatic dialing
20 devices).

21 (e) Definition.--As used in this section, the term
22 "penalize" includes the actual or threatened revocation,
23 suspension or nonrenewal of a rental license, the actual or
24 threatened assessment of fines or the actual or threatened
25 eviction, or causing the actual or threatened eviction, from
26 leased premises.

27 Section 2. Chapter 61 of Title 53 is amended by adding a
28 subchapter to read:

29 SUBCHAPTER B.1

30 MUNICIPAL PROPERTY MAINTENANCE CODE ASSISTANCE

1 § 6121. Scope.

2 This subchapter relates to municipal property maintenance
3 code assistance.

4 § 6122. Legislative intent.

5 The purpose of this subchapter is to provide funding for
6 individual municipalities, two or more municipalities pursuant
7 to Subchapter A of Chapter 23 (relating to intergovernmental
8 cooperation), councils of governments or a multimunicipal code
9 enforcement entity, for the purpose of municipal property
10 maintenance code enforcement within that county or region in
11 order to prevent and eradicate blighted property conditions.

12 § 6123. Definitions.

13 The following words and phrases when used in this subchapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Department." The Department of Community and Economic
17 Development of the Commonwealth.

18 "Municipal code" or "code." A building, housing, property
19 maintenance, fire, health or other public safety ordinance,
20 related to the use or maintenance of real property, enacted by a
21 municipality. The term does not include a subdivision and land
22 development ordinance or a zoning ordinance enacted by a
23 municipality.

24 "Municipality." A city, borough, incorporated town, township
25 or home rule, optional plan or optional charter municipality or
26 municipal authority within this Commonwealth or any entity
27 formed under Subchapter A of Chapter 23 (relating to
28 intergovernmental cooperation).

29 "Serious violation." A violation of a code that poses an
30 imminent threat to the health and safety of a dwelling occupant,

occupants in surrounding structures or a passerby.

§ 6124. Code enforcement grant program.

(a) Establishment.--The department shall issue grants to municipalities for the purpose of reducing blighted property conditions through the establishment of special code enforcement programs to address blighted property conditions where ~~they~~ exist and to prevent new occurrences where a municipal code enforcement program already exists or the establishment of code enforcement programs and the hiring and training of code enforcement personnel in those municipalities without an existing code enforcement program. <--

(b) Competitive awards.--The department shall issue grants under this section to municipalities on a competitive basis according to the following criteria:

(1) The benefit to the municipality of having an adequately funded and staffed code enforcement department.

(2) Whether the municipality's building code enforcement department demonstrates an ability to work cooperatively with other local code enforcement offices, health departments and local prosecutorial agencies.

(3) Whether the municipality demonstrates a financial need for the grant.

(4) The overall condition of the real property within the municipality.

(c) Eligibility.--In order to receive a grant under this section, a municipality must submit an application acceptable to the department and that addresses the criteria established under subsection (b).

(d) Matching funds.--A municipality shall provide its own funds or in-kind contributions, approved by the department as

determined by ~~regulations promulgated~~ GUIDELINES ESTABLISHED by <--
the department under section 6128 (relating to guidelines),
equal to the amount of the grant provided, and shall dedicate
and expend those funds for the purpose for which the grant was
awarded.

(e) Limitations.--

(1) Grants issued under this section shall not be
provided to the same recipient for more than three
consecutive years.

(2) A grant issued under this section may not exceed
\$100,000.

(3) No grant issued under this section may be used to
pay code enforcement personnel unless the individual has
acquired relevant certification or training in property
maintenance.

§ 6125. Imposition of surcharge.

(a) Imposition.--Subject to the provisions of subsection

(b):

(1) Upon each subsequent inspection by a local code
official, a surcharge of \$250 shall be imposed on a real
property owner in violation of one or more provisions of a
municipal code for which the owner was previously cited for
violating.

(2) The surcharge imposed under paragraph (1) shall be
in addition to any other applicable fees or charges imposed
and collected by the municipality as provided by law.

(b) Time to remedy.--With the exception of a serious
violation, a property owner shall have a minimum of 90 days
following the initial inspection by a local code official to
remedy a violation of a municipal code, for which the owner was

1 previously cited for violating, before the surcharge may be
2 imposed.

3 (c) Collection.--

4 (1) The municipality shall collect the surcharge under
5 subsection (a) and remit the moneys to the department on a
6 quarterly basis.

7 (2) The department shall use the moneys collected under
8 paragraph (1) to fund the grants issued under section 6124
9 (relating to code enforcement grant program).

10 § 6126. Fund.

11 (a) Establishment.--The Municipal Property Maintenance Code
12 Assistance Fund is established as a special fund within the
13 State Treasury.

14 (b) Deposit.--Moneys collected from the surcharge authorized
15 under section 6125(a) (relating to imposition of surcharge)
16 shall be deposited in the fund.

17 (c) Use of funds.--The fund shall be used by the department
18 exclusively for the purpose of issuing the grants provided for
19 under section 6124 (relating to code enforcement grant program).

20 The department may utilize up to 10% of the total ~~funds~~ MONEYS <--
21 collected and deposited in the fund within the fiscal year to
22 cover the administrative costs associated with the program.

23 § 6127. Report to General Assembly.

24 The department shall submit an annual report to the Urban
25 Affairs and Housing Committee of the Senate and the Urban
26 Affairs Committee of the House of Representatives concerning the
27 implementation of this subchapter. The report shall include the
28 total amount of moneys collected and deposited into the
29 Municipal Property Maintenance Code Assistance Fund as well as
30 the number of grants awarded and the recipients of those grants.

1 § 6128. Guidelines.

2 Within 180 days of the effective date of this section, the
3 department shall establish guidelines to carry out the
4 provisions of this subchapter. The guidelines to implement
5 section 6124(b) (relating to code enforcement grant program) may
6 include, but not be limited to:

7 (1) The age of the existing housing stock in the
8 municipality.

9 (2) The municipality's existing tax base.

10 (3) The existing financial condition of the
11 municipality.

12 Section 3. This act shall take effect in 90 days.