
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1122 Session of
2017

INTRODUCED BY O'BRIEN, D. COSTA, READSHAW, DALEY, SOLOMON AND
KINSEY, APRIL 10, 2017

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 10, 2017

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in neighborhood blight reclamation and
3 revitalization, establishing a grant program for
4 municipalities to establish code enforcement programs and
5 hire code enforcement personnel, providing for powers and
6 duties of the Department of Community and Economic
7 Development and for imposition of a fee and establishing the
8 Municipal Property Maintenance Code Assistance Fund.

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

11 Section 1. Chapter 61 of Title 53 of the Pennsylvania
12 Consolidated Statutes is amended by adding a subchapter to read:

13 SUBCHAPTER B.1

14 MUNICIPAL PROPERTY MAINTENANCE CODE ASSISTANCE

15 Sec.

16 6121. Scope of subchapter.

17 6122. Legislative intent.

18 6123. Definitions.

19 6124. Code enforcement grant program.

20 6125. Imposition of fee.

21 6126. Fund.

1 6127. Report to General Assembly.

2 6128. Guidelines.

3 § 6121. Scope of subchapter.

4 This subchapter relates to municipal property maintenance
5 code assistance.

6 § 6122. Legislative intent.

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

14 § 6123. Definitions.

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

18 "Blighted property." Any of the following:

19 (1) A premises that, because of physical condition or
20 use, is regarded as a public nuisance at common law or has
21 been declared a public nuisance in accordance with a local
22 housing, building, plumbing, property maintenance, fire or
23 related code and ordinance, including a nuisance and
24 dangerous buildings ordinance.

25 (2) A premises that, because of physical condition, use
26 or occupancy, is considered an attractive nuisance to
27 children, including, but not limited to, an abandoned well,
28 shaft, basement, excavation and unsafe fence or structure.

29 (3) A dwelling that, because it is dilapidated,
30 unsanitary, unsafe, vermin infested or lacking in facilities

1 and equipment required by the housing code of a municipality,
2 has been designated by the department responsible for
3 enforcement of the code as unfit for human habitation.

4 (4) A structure that is a fire hazard or otherwise
5 dangerous to the safety of persons or property.

6 (5) A structure from which the utilities, plumbing,
7 heating, sewage or other facilities have been disconnected,
8 destroyed, removed or rendered ineffective so that the
9 structure is unfit for its intended use.

10 (6) A vacant or unimproved lot or parcel of ground in a
11 predominantly built-up neighborhood that by reason of neglect
12 or lack of maintenance has become a place for accumulation of
13 trash and debris or a haven for rodents or other vermin.

14 (7) An unoccupied property that has been or becomes tax
15 delinquent for a period of at least two years.

16 (8) A property that is vacant, but is not tax
17 delinquent, and has not been rehabilitated within one year of
18 receipt of notice to rehabilitate from the appropriate code
19 enforcement agency.

20 "Department." The Department of Community and Economic
21 Development of the Commonwealth.

22 "Fund." The Municipal Property Maintenance Code Assistance
23 Fund established in this subchapter.

24 "Grant." A grant issued under section 6124 (relating to code
25 enforcement grant program).

26 "Municipal code" or "code." A building, housing, property
27 maintenance, fire, health or other public safety ordinance,
28 related to the use or maintenance of real property, enacted by a
29 municipality. The term does not include a subdivision and land
30 development ordinance or a zoning ordinance enacted by a

1 municipality.

2 "Municipality." A city, borough, incorporated town, township
3 or home rule, optional plan or optional charter municipality or
4 municipal authority within this Commonwealth or an entity formed
5 under Subchapter A of Chapter 23 (relating to intergovernmental
6 cooperation).

7 § 6124. Code enforcement grant program.

8 (a) Establishment.--The department shall issue grants to
9 municipalities for the purpose of reducing blighted property
10 conditions through:

11 (1) the establishment of special code enforcement
12 programs to address blighted property conditions, where a
13 municipal code enforcement program already exists; or

14 (2) the establishment of code enforcement programs and
15 the hiring and training of code enforcement personnel in
16 those municipalities without an existing code enforcement
17 program.

18 (b) Competitive awards.--The department shall issue grants
19 to municipalities on a competitive basis according to the
20 following criteria:

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

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

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

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

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

5 (d) Matching funds.--A municipality shall provide its own
6 funds or in-kind contributions, approved by the department as
7 determined by guidelines established by the department under
8 section 6128 (relating to guidelines), equal to the amount of
9 the grant provided, and shall dedicate and expend those funds
10 for the purpose for which the grant was issued.

11 (e) Limitations.--

12 (1) Grants may not be provided to the same recipient for
13 more than three consecutive years.

14 (2) Grants may not be used to pay code enforcement
15 personnel unless the personnel have acquired relevant
16 certification or training in property maintenance.

17 § 6125. Imposition of fee.

18 (a) General rule.--A municipality administering and
19 enforcing the act of November 10, 1999 (P.L.491, No.45), known
20 as the Pennsylvania Construction Code Act, as provided under
21 section 501(a) of that act, and a third-party agency providing
22 services under section 501(e) of that act, shall assess a fee of
23 \$1 on each construction or building permit issued under the
24 authority of that act. The fee shall be in addition to any other
25 fee imposed for the permit.

26 (b) Collection and deposit.--Money collected under
27 subsection (a) shall be collected on a quarterly basis to the
28 State Treasury and deposited in the fund established by section
29 6126 (relating to fund).

30 § 6126. Fund.

1 (a) Establishment.--The Municipal Property Maintenance Code
2 Assistance Fund is established in the State Treasury. The money
3 in the fund is hereby appropriated to the department on a
4 continuing basis for the purposes specified in this subchapter.

5 (b) Contents.--The fund shall consist of the fee deposited
6 under section 6125(a) (relating to imposition of fee) and the
7 interest earned on the fee.

8 (c) Use of funds.--The fund shall be used by the department
9 exclusively for the purpose of issuing grants. The department
10 may utilize up to 5% of the fund within the fiscal year to cover
11 the administrative costs associated with the program.

12 § 6127. Report to General Assembly.

13 The department shall submit an annual report to the Urban
14 Affairs and Housing Committee of the Senate and the Urban
15 Affairs Committee of the House of Representatives concerning the
16 implementation of this subchapter. The report shall include the
17 total amount of money collected and deposited into the fund as
18 well as the number of grants issued and the recipients of the
19 grants.

20 § 6128. Guidelines.

21 Within 180 days of the effective date of this section, the
22 department shall establish guidelines to carry out the
23 provisions of this subchapter. The guidelines to implement
24 section 6124(b) (relating to code enforcement grant program) may
25 include, but not be limited to:

26 (1) The age of the existing housing stock in the
27 municipality.

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

29 (3) The existing financial condition of the
30 municipality.

1 Section 2. This act shall take effect in 120 days.