



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

SENATE BILL NO. 793

PRINTERS NO. 1031

PRIME SPONSOR: Hutchinson

### COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
Second Class Township Funds	\$0	\$0

**SUMMARY:** Amends the Second Class Township Code to further provide for property maintenance codes, reserved powers and the Uniform Construction Code. This legislation would take effect in 60 days.

**ANALYSIS:** This legislation amends the Second Class Township Code to accomplish the following goals:

- Consolidate existing powers to enact and administer construction, occupancy, and property maintenance regulations from specific sections into a new Article XVII-A (Uniform Construction Code, Property Maintenance Code and Reserved Powers).
- Specify that second class townships are subject to the PA Construction Code Act (Act 45 of 1999) and all municipal regulation governing the construction, alteration, repair, and occupancy of property in the township shall conform to the act. Also, any applicable township ordinance, rule or regulation must be construed and read in pari materia with the PA Construction Code Act and the UCC.
- Establish consolidated provisions related to the enactment and enforcement of property maintenance codes.
  - Townships may adopt property maintenance ordinances including any standard or nationally recognized property maintenance code or changes or parts of the code.
  - Either the proposed ordinance, or a brief summary of the proposed ordinance, must be published not more than 60 days nor less than seven days before enactment at least once in one newspaper circulating in the township. Requirements for the contents of the notice and recordation are provided.
  - If the township supervisors designate code enforcement officers and they enter upon property to conduct inspections (at reasonable hours and in a reasonable manner), they are subject to administrative search warrant standards. The township may seek appropriate actions or proceedings at law or equity to prevent or restrain property maintenance violations.
  - The powers of a township provided under the property maintenance provisions are in addition to any other remedies available to the township under statutes

- such as the Abandoned and Blighted Property Conservatorship Act (Act 135 of 2008), the Neighborhood Blight Reclamation and Revitalization Act (Title 53 Chapter 61), and Title 68 Part II, Subpart A (relating to creation of Land Banks).
- Any building, housing, or property, or part thereof, that is in violation of any applicable ordinance may be declared, by a court of law, a public nuisance and may be abatable as such. However, a violation of the UCC or any ordinance that equals or exceeds the UCC is subject to the provisions of the PA Construction Code Act and the UCC relating to enforcement for noncompliance.
- Expressly reserve the power of townships to enact and enforce building codes and property maintenance codes in the event Act 45 or any replacement code no longer supersedes individual municipal codes, whether by legislative action or final court order.

A technical section provides that nothing in the enactment of this legislation shall be construed to repeal or modify any township ordinance in effect on the effective date of the act or affect any proceeding or enforcement of any township ordinance instituted prior to the effective date of the act.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth or second class township funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** November 9, 2015

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*