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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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APPOINTMENT

PENNSYLVANIA'S GOVERNORS COUNCIL LIAISON
FOR THE NATIONAL MUSEUM OF THE MARINE CORPS
AND THE MARINE CORPS HERITAGE FOUNDATION

MEMORANDUM

TO: All House Members
FROM: Representative Jake Wheatley
SUBJECT: Re-introduction of Legislation – Former House Bill 1322 (Adverse Possession)
DATE: February 11, 2011

Throughout the Commonwealth, individuals and families reside in homes to which no one has clear title. It could be a tenancy where the landlord has disappeared or died, or an inheritance that never went through the legal process. Sometimes the occupants pay the property taxes, while in other cases they are not allowed to enter into repayment agreements with the taxing jurisdiction because they do not have clear title to the property. In such situations, the residents cannot qualify for home improvement loans or municipal grant programs due to the "tangled title". Eventually, the homes will be abandoned because they cannot be maintained.

In the near future, I intend to re-introduce legislation from last session (the former HB 1322) which would amend Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes by reducing the standard period for bringing an action for the acquisition of title through adverse possession under certain circumstances.

Through adverse possession, a property that has essentially been abandoned by the owner of record can be re-titled in the name of another who has a long-standing relationship to that property.

Under my legislation, a person would be able to obtain clear title to a property under adverse possession in 10 years instead of 21 years (as current law provides) for a property which is less than one-half (1/2) acre in size and which contains a single-family home. The claimant must also meet all of the underlining requirements of adverse possession stipulated under current Pennsylvania law.

Last session, HB 1322 was approved unanimously by the House Urban Affairs Committee and overwhelmingly passed the full House of Representatives. Proponents of the bill included the Housing Alliance of Pennsylvania and the Pennsylvania BAR Association, both of which were instrumental in its drafting. No organizations expressed opposition to the bill.

My bill will help to reduce the number of blighted and/or abandoned properties in Pennsylvania and fight the blight that threatens the viability of so many communities by helping residents, whose claim to a home is in limbo, to obtain clear title after 10 years.

If you would like to co-sponsor this legislation, please contact April Ashe in my office by calling 783-3783 or by e-mail at aashe@pahouse.net.