

GENERAL LOCAL GOVERNMENT CODE (53 PA.C.S.) - ASSET ATTACHMENT,
DUTY OF OUT-OF-STATE OWNERS OF PROPERTY IN THIS COMMONWEALTH
AND DUTY OF ASSOCIATION AND TRUST OWNERS
Act of Oct. 22, 2014, P.L. 2637, No. 171 Cl. 53
Session of 2014
No. 2014-171

HB 2120

AN ACT

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in neighborhood blight and reclamation and revitalization, further providing for definitions, for asset attachment, for duty of out-of-State owners of property in this Commonwealth and for duty of association and trust owners.

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

Section 1. Sections 6103, 6112(b), 6113 and 6114 of Title 53 of the Pennsylvania Consolidated Statutes are amended to read:

§ 6103. Definitions.

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

" Agent. " Any director, officer, servant, employee or other person authorized to act in behalf of a corporation or association and, in the case of an unincorporated association, a member of such association.

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

["Code." A building, housing, property maintenance, fire, health or other public safety ordinance enacted by a municipality. The term does not include a subdivision and land development ordinance or a zoning ordinance enacted by a municipality.]

"Corporation." The term does not include a municipal authority.

"Court." The appropriate court of common pleas.

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

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

"Municipality." A city, borough, incorporated town, township or home rule, optional plan or optional charter municipality or municipal authority in this Commonwealth and any entity formed pursuant to Subchapter A of Chapter 23 (relating to intergovernmental cooperation).

"Municipal permits." Privileges relating to real property granted by a municipality, including, but not limited to, building permits, exceptions to zoning ordinances and occupancy permits. The term includes approvals pursuant to land use ordinances other than decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative amendment.

"Owner." A holder of the title to residential, commercial or industrial real estate, other than a mortgage lender, who possesses and controls the real estate. The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record.

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

"Serious violation." A violation of a State law or a code that poses an imminent threat to the health and safety of a dwelling occupant, occupants in surrounding structures or a passersby.

"State law." A statute of the Commonwealth or a regulation of an agency charged with the administration and enforcement of Commonwealth law.

"Substantial step." An affirmative action as determined by a property code official or officer of the court on the part of a property owner or managing agent to remedy a serious violation of a State law or municipal code, including, but not limited to, physical improvements or repairs to the property, which affirmative action is subject to appeal in accordance with applicable law.

"Tax delinquent property." Tax delinquent real property as defined under:

(1) the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law;

(2) the act of May 16, 1923 (P.L.207, No. 153), referred to as the Municipal Claim and Tax Lien Law; or

(3) the act of October 11, 1984 (P.L.876, No.171), known as the Second Class City Treasurer's Sale and Collection Act, located in any municipality in this Commonwealth.

§ 6112. Asset attachment.

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(b) Construction.--Nothing in this section shall be construed to authorize, in the case of an owner that is [an] **a corporation**, association or trust, a lien on the individual assets of the general partner, **agent** or trustee, except as otherwise allowed by law, limited partner, shareholder, member or beneficiary of the association or trust.

§ 6113. Duty of out-of-State owners of property in this Commonwealth.

A person **or other responsible party** who lives or has a principal place of residence outside this Commonwealth, who owns **or is responsible for** property in this Commonwealth against which code violations have been cited and the person is charged under 18 Pa.C.S. (relating to crimes and offenses), and who has been properly notified of the violations may be extradited to this Commonwealth to face criminal prosecution to the full extent allowed and in the manner authorized by 42 Pa.C.S. Ch. 91 (relating to detainers and extradition).

§ 6114. Duty of **corporation**, association and trust owners.

Where, after reasonable efforts, service of process for a notice or citation for any code violation for any real property owned by [an] **a corporation**, association or trust cannot be

accomplished by handing a copy of the notice or citation to an **agent**, executive officer, partner or trustee of the **corporation**, association or trust or to the manager, trustee or clerk in charge of the property, the delivery of the notice or citation may occur by registered, certified or United States Express mail, accompanied by a delivery confirmation:

(1) To the registered office of the **corporation**, association or trust.

(2) Where the **corporation**, association or trust does not have a registered office, to the mailing address used for real estate tax collection purposes, if accompanied by the posting of a conspicuous notice to the property and by handing a copy of the notice or citation to the person in charge of the property at that time.

(3) **In the case of a corporation, notice shall be sent to the registered office on file with the Department of State.**

Section 2. This act shall take effect in 60 days.

APPROVED--The 22nd day of October, A.D. 2014.

TOM CORBETT