

AMENDMENTS TO HOUSE BILL NO. 1791

Sponsor: REPRESENTATIVE STURLA

Printer's No. 2033

1 Amend Bill, page 1, line 3, by striking out "and" and
2 inserting a comma

3 Amend Bill, page 1, line 4, by inserting after "for"
4 State blight data collection system; making an appropriation;
5 and providing for

6 Amend Bill, page 2, by inserting between lines 5 and 6

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

9 SUBCHAPTER C.1

10 STATE BLIGHT DATA COLLECTION SYSTEM

11 Sec.

12 6135.1. Definitions.

13 6135.2. Property Maintenance Code Violations Registry.

14 6135.3. Property maintenance code violation reports.

15 6135.4. Dissemination of information by department.

16 6135.5. Compliance.

17 6135.6. Administrative requirements.

18 6135.7. Audit.

19 6135.8. Imposition of surcharge.

20 6135.9. Duty of Attorney General.

21 6135.10. Appropriation.

22 § 6135.1. Definitions.

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

26 "Department." The Department of Community and Economic
27 Development of the Commonwealth.

28 "Municipal claim." The term shall mean the same as defined
29 in the act of May 16, 1923 (P.L.207, No.153), referred to as the
30 Municipal Claim and Tax Lien Law.

31 "Registry." The Property Maintenance Code Violations
32 Registry established under section 6135.2 (relating to Property
33 Maintenance Code Violations Registry).

34 § 6135.2. Property Maintenance Code Violations Registry.

35 (a) Establishment.--The Property Maintenance Code Violations

1 Registry is established. The department shall implement and
2 administer the registry.

3 (b) Purpose.--The registry shall contain property
4 maintenance code violation reports filed by municipalities under
5 section 6135.3 (relating to property maintenance code violation
6 reports).

7 § 6135.3. Property maintenance code violation reports.

8 (a) Duty to file report.--A municipality may file a property
9 maintenance code violation report for a person who owns real
10 property within the municipality with current serious property
11 maintenance code violations that remain unabated for at least
12 120 days.

13 (b) Forms provided.--Property maintenance code violation
14 reports shall be made on forms provided by the department and
15 submitted electronically.

16 (c) Information included.--Property maintenance code
17 violation reports shall include the following information:

18 (1) The name of the property owner whose real property
19 has been cited for a serious property maintenance code
20 violation. If the real property is owned by a limited
21 liability company or other entity that does not list each
22 principal of the limited liability company or other entity,
23 the department shall find the names of the principals and add
24 their names and the name of the limited liability company or
25 other entity to the registry.

26 (2) A copy of the citation issued to the real property.

27 (3) The physical address and county of the real
28 property.

29 (4) The number of municipal claims or liens attached to
30 the real property.

31 (d) Access.--The department shall make the registry
32 accessible electronically to all municipalities. The department
33 shall make the registry searchable by property owner or by
34 property address.

35 § 6135.4. Dissemination of information by department.

36 (a) Availability of information.--Information contained in a
37 property maintenance code violation report shall be accessible
38 for inspection and duplication in accordance with the act of
39 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

40 (b) Requests by municipalities.--

41 (1) A municipality may request a copy of a property
42 maintenance code violation report on a pending applicant for
43 a municipal permit by submitting a property maintenance code
44 violation report request form to the department or requesting
45 the form electronically.

46 (2) The department shall disseminate a property
47 maintenance code violation report relating to a municipal
48 permit applicant to the requesting municipality within 10
49 business days of receipt of a property maintenance code
50 violation report request from the municipality.

51 (3) The municipality shall notify an applicant in

1 writing of the reasons for a decision that denies the
2 applicant a municipal permit if the decision is based in
3 whole or in part on information contained in the registry.

4 (c) Requests by Commonwealth.--

5 (1) A Commonwealth agency may request a copy of a
6 property maintenance code violation report on a pending
7 applicant for licensing or certification by submitting a
8 property maintenance code violation report request form to
9 the department or requesting the form electronically.

10 (2) The department shall disseminate a property
11 maintenance code violation report relating to a State license
12 or certification applicant to a requesting Commonwealth
13 agency within two weeks of receipt of a property maintenance
14 code violation report request from the agency.

15 (3) The Commonwealth agency shall notify the applicant
16 in writing of the reasons for a decision that denies the
17 licensing or certification requested by the applicant if the
18 decision is based in whole or in part on information
19 contained in the registry.

20 (d) Hearing.--If requested by an applicant, the department
21 shall hold a hearing regarding the purpose for which the
22 property owner is listed on the registry, as applicable. If the
23 applicant submits a certificate or letter of code compliance
24 from the municipality to the department, the department shall
25 immediately update the official record in the registry within 48
26 hours based on the information in the certificate or letter.

27 (e) Record of dissemination.--The department shall maintain
28 a listing of Commonwealth agencies and all municipalities that
29 have requested information on a particular real property owner
30 and the date on which the information was disseminated. This
31 listing shall be maintained separate from the registry.

32 (f) Fee.--The department may not assess a fee for the
33 dissemination of property maintenance code violation
34 information.

35 § 6135.5. Compliance.

36 A municipality that files a property maintenance code
37 violation report with the department shall subsequently provide
38 the property owner with a certificate or letter of code
39 compliance when the real property is declared to be in code
40 compliance. If the property owner seeks to have the real
41 property removed from the registry, the property owner shall
42 forward a copy of the certificate or letter of code compliance
43 to the department. The department shall include the information
44 in the certificate or letter of code compliance as part of the
45 official record in the registry for the real property and
46 property owner.

47 § 6135.6. Administrative requirements.

48 (a) Procedures.--The department shall establish procedures
49 for the completeness and accuracy of information in the registry
50 and shall promulgate the procedures in regulations necessary to
51 carry out the department's duty of maintaining the registry.

1 (b) Forms.--The department shall develop property
2 maintenance code violation report forms and property maintenance
3 code violation report request forms, as well as procedures to
4 obtain the information electronically.

5 (c) Security requirements.--The department shall maintain
6 the security of the information contained in the registry. The
7 following apply:

8 (1) Procedures shall be instituted to reasonably protect
9 the registry from theft, fire, sabotage, flood, wind or other
10 natural or manmade disasters.

11 (2) All personnel authorized to access registry
12 information shall be selected, supervised and trained
13 accordingly.

14 (3) The registry shall be available to the public.
15 § 6135.7. Audit.

16 (a) Duty of Auditor General.--The Auditor General shall
17 conduct annual performance audits of registry operations for the
18 first three years of the registry's existence and then every
19 five years thereafter.

20 (b) Access to records.--The department shall provide
21 auditors with access to all records, reports and listings
22 required to conduct an audit of property maintenance code
23 violations record information. Persons that have supervision of
24 or are authorized to receive registry information shall
25 cooperate with auditors and provide requested information.

26 (c) Contents of audit.--The audit shall report in writing
27 deficiencies and recommendations for correcting the
28 deficiencies. The department shall respond to the audit
29 recommendations within a reasonable period of time.

30 § 6135.8. Imposition of surcharge.

31 A property owner that is in violation of a municipal property
32 maintenance code for more than 120 days may be subject to a
33 registry surcharge in the amount of \$500 for each violation. The
34 following apply to the surcharge:

35 (1) The surcharge shall be in addition to any other
36 applicable fees or charges lawfully collected by the
37 municipality and court.

38 (2) The surcharge shall take the form of a lien on the
39 real property and the municipality shall file the lien with
40 the county prothonotary or equivalent office.

41 (3) The county prothonotary or registry shall collect
42 the surcharge and remit all money to the department on a
43 quarterly basis.

44 (4) Money generated by the surcharge shall be used to
45 finance the ongoing operation of the registry and to
46 reimburse the department for its administrative costs in
47 implementing the registry under this subchapter.

48 (5) Each fiscal year, the department shall transfer 10%
49 of the money generated by the surcharge in the prior fiscal
50 year to the unified judicial system to conduct training of
51 the judiciary in accordance with 42 Pa.C.S. § 1907 (relating

1 to deteriorated real property education and training program
2 for judges).

3 § 6135.9. Duty of Attorney General.

4 (a) Out-of-State property owners.--For a person who lives or
5 has a principal place of residence outside this Commonwealth and
6 owns real estate property in this Commonwealth, upon written
7 request by a municipality, the Attorney General may assist the
8 municipality in pursuing compliance of the property owner in
9 order to bring the property up to municipal code if:

10 (1) A serious code violation has been cited.

11 (2) The property owner is charged under 18 Pa.C.S.
12 (relating to crimes and offenses).

13 (3) The property owner was properly notified of the
14 violations.

15 (b) Remedies.--For a violation under subsection (a), the
16 Attorney General may send a warning letter to the property owner
17 or file a court proceeding on behalf of the municipality.

18 § 6135.10. Appropriation.

19 The sum of \$1,000,000 is hereby appropriated from the General
20 Fund to the department for the initial Statewide implementation
21 of the registry for the fiscal year beginning July 1, 2022, and
22 ending June 30, 2023.

23 Amend Bill, page 2, line 6, by striking out "2" and inserting

24 3

25 Amend Bill, page 7, line 6, by striking out all of said line
26 and inserting

27 Section 4. This act shall take effect as follows:

28 (1) This section shall take effect immediately.

29 (2) The addition of 53 Pa.C.S. Ch. 61 Subch. C.1 shall
30 take effect in 120 days.

31 (3) The remainder of this act shall take effect in 60
32 days.