

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1952 Session of  
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INTRODUCED BY HABAY, KENNEY, PETRONE, ARGALL, PHILLIPS, BROWNE,  
L. I. COHEN, HENNESSEY, HESS, LEDERER, DIVEN, MANN,  
M. WRIGHT, J. WILLIAMS, BASTIAN, BUNT, CIVERA, DAILEY, DALLY,  
FICHTER, GODSHALL, HARHART, McILHINNEY, RUBLEY, TRELLO,  
FREEMAN, WATSON, M. COHEN, MICOZZIE, McILHATTAN, FEESE,  
WALKO, HERMAN, JAMES, BEBKO-JONES AND CAPPELLI,  
SEPTEMBER 26, 2001

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REFERRED TO COMMITTEE ON URBAN AFFAIRS, SEPTEMBER 26, 2001

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AN ACT

1 Authorizing the Commonwealth and municipalities to take action  
2 to eradicate urban blight; and providing for liens and tax  
3 claim hardships.

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

19 CHAPTER 1

20 GENERAL PROVISIONS

21 Section 101. Short title.

22 This act shall be known and may be cited as the Urban Blight  
23 Eradication Act.

24 Section 102. Legislative declaration.

25 The General Assembly declares:

26 (1) There exist in many municipalities in this  
27 Commonwealth neighborhoods which are blighted, are becoming  
28 blighted or may become blighted because of vacant, abandoned,  
29 deteriorated or deteriorating residential, commercial and  
30 industrial buildings and trash-strewn, weed-infested and

1 vermin-infested vacant lots.

2 (2) Many citizens of this Commonwealth residing in close  
3 proximity to buildings that fail to meet municipal building  
4 and housing codes for public safety and sanitation are  
5 adversely affected by blighted properties, substandard  
6 buildings, as well as by vacant residential, commercial or  
7 industrial properties.

8 (3) Substandard structures, whether occupied or vacant,  
9 are a safety threat and nuisance, and their blighting effect  
10 significantly reduces the property values in the  
11 neighborhoods in which these properties are located,  
12 resulting in the loss of equity for property owners in the  
13 neighborhood who do maintain their properties. Uncorrected,  
14 these conditions will increase the rate of abandonment and  
15 destruction of such neighborhoods, which in turn will erode  
16 the local tax base, depriving municipalities of revenues  
17 needed to provide essential municipal services and  
18 facilities.

19 (4) If these buildings are not rehabilitated and brought  
20 into code compliance, they are likely to be abandoned,  
21 resulting in increased costs to the Commonwealth, the  
22 municipality and ultimately the taxpayers who must pay to  
23 secure and ultimately demolish these buildings.

24 (5) If it becomes necessary to abandon a residential  
25 apartment building, existing tenants will also be displaced,  
26 disrupting lives and adding to the affordable housing  
27 problems of the municipality and the Commonwealth as many  
28 displaced tenants may become homeless.

29 (6) Changes in the national economy, including corporate  
30 downsizing and plant closures, have also resulted in

1 underused and abandoned industrial sites referred to as  
2 brownfields in many areas of this Commonwealth, including  
3 urban settings. These abandoned sites have further  
4 contributed to neighborhood blight.

5 (7) Abandoned commercial and industrial properties  
6 located in blighted areas of this Commonwealth, if  
7 decontaminated and rehabilitated, have the potential to once  
8 again become employment centers and serve as economic  
9 development catalysts to reverse existing and past trends,  
10 which led to the neighborhood becoming blighted in the first  
11 place.

12 (8) Many buildings throughout this Commonwealth are in  
13 violation of municipal building and housing codes, are a  
14 public nuisance and have liens against them for real property  
15 taxes.

16 Section 103. Definitions.

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

20 "Serious violations." Include housing, building, property  
21 maintenance or fire safety code violations that pose an  
22 immediate threat to the health and safety of dwelling occupants  
23 or occupants in surrounding structures and passers by.

24 "Substantial steps." An affirmative action on the part of  
25 the property owner or managing agent as determined by the  
26 municipality to remedy code violations, involving physical  
27 improvements or preparations to the property.

28 "Tax delinquent property." For the purposes of this act, the  
29 term shall include any tax delinquent real property, as defined  
30 by the act of July 7, 1947 (P.L.1368, No.542), known as the Real

1 Estate Tax Sale Law, owned in any municipality in this  
2 Commonwealth.

3 CHAPTER 2

4 COMMONWEALTH PERMIT AND LICENSE DENIAL

5 Section 201. Authority.

6 (a) Denial.--All departments, boards and commissions shall  
7 deny issuing to any applicant, any State permit, certification,  
8 license or State approval for contemplated action requiring such  
9 approval, if the applicant:

10 (1) owns any real property in any municipality in this  
11 Commonwealth which is delinquent in the payment of a real  
12 property tax levied by a political subdivision;

13 (2) owns any property in this Commonwealth that has been  
14 determined to be in serious violation of applicable State or  
15 municipal housing, building, property maintenance or fire  
16 safety code requirements, and has not taken substantial steps  
17 to bring the property into code compliance; or

18 (3) is in violation of any applicable State or municipal  
19 housing, building, property maintenance or fire safety code  
20 requirements for which the property owner has taken no  
21 substantial steps to correct within six months following  
22 notification of the violation.

23 (b) Letters required.--All State permits, certifications,  
24 licenses or approvals may be withheld until such time as the  
25 applicant obtains a letter from the appropriate State agency,  
26 municipality and/or school district, indicating the property in  
27 question:

28 (1) is not presently tax delinquent;

29 (2) is now in code compliance; or

30 (3) that substantial steps have been taken to bring the

1 property into code compliance.

2 Letters required by this subsection shall be verified by the  
3 appropriate State officials before issuing to the applicant any  
4 State permits, certifications, licenses or approvals.

5 (c) Dissemination.--Information contained in the property  
6 maintenance code violation report shall be subject to the  
7 provisions of the act of June 21, 1957 (P.L.390, No.212),  
8 referred to as the Right-to-Know Law.

9 CHAPTER 3

10 PRIVATE ASSET ATTACHMENT

11 Section 301. Authority.

12 In addition to the remedies contained in other statutes, a  
13 municipality may institute in personam actions or proceedings at  
14 law or in equity against the legal owner or owner of record of  
15 any building, housing or land in serious violation of any  
16 ordinance regarding building and housing codes. Any action  
17 against the owner of record shall be for an amount equal to any  
18 penalties and any amount expended by the municipality in abating  
19 the violation. An in personam action may also be initiated  
20 pursuant to this section for a continuing violation for which  
21 the legal owner of record takes no substantial steps as defined  
22 in section 102 to correct, within six months following  
23 notification of any violation.

24 CHAPTER 4

25 STATEWIDE COMPUTER REGISTRY

26 Section 401. Short title of chapter.

27 This chapter shall be known and may be cited as the Property  
28 Maintenance Code Violations Registry Act.

29 Section 402. Legislative intent.

30 It is the intent of the General Assembly to eliminate the

1 neighborhood blight caused by real property owners who fail to  
2 comply with municipal property maintenance codes. Neighborhood  
3 blight may be partially eliminated by giving the Commonwealth  
4 and municipalities access to information pertaining to the  
5 current property maintenance code violations of property owners  
6 applying for State and municipal permits. Access to this  
7 information can be facilitated by the creation of a Statewide  
8 central registry which contains a comprehensive listing of real  
9 property owners along with property violations for which the  
10 real property owner was convicted.

11 Section 403. Definitions.

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

15 "Applicant." Any owner of real property who applies for any  
16 State license or certification or municipal permit.

17 "Commonwealth agency." The Governor, departments, boards,  
18 agencies, commissions, authorities and other officers of the  
19 Commonwealth, including those subject to the policy supervision  
20 and control of the Governor. The term does not include any court  
21 or other officer or agency of the unified judicial system or the  
22 General Assembly or any of its officers and agencies.

23 "Department." The Department of Community and Economic  
24 Development of the Commonwealth.

25 "License." A permit granted by the Commonwealth or one of  
26 its agencies which gives permission to the applicant to  
27 participate in a certain activity or exercise a certain  
28 privilege.

29 "Licensing" or "certification." The issuance of a license or  
30 the formal assertion in writing of some fact or qualification

1 from the Commonwealth or one of its agencies.

2 "Municipal permits." Building permits, exceptions to zoning  
3 ordinances, occupancy permits and other privileges granted by a  
4 municipality.

5 "Municipality." A county, city, borough, incorporated town  
6 or township, including any home rule municipality.

7 "Property maintenance code." Any municipal ordinance which  
8 regulates the maintenance or development of real property. The  
9 term includes building codes, housing codes and public safety  
10 codes.

11 "Property maintenance code violation." A violation of a  
12 property maintenance code.

13 Section 404. Property maintenance code violations registry.

14 (a) Establishment.--The department shall establish,  
15 implement and administer a property maintenance code violations  
16 registry.

17 (b) Composition.--The property maintenance code violations  
18 registry shall contain property maintenance code violation  
19 reports filed by municipalities under section 405.

20 Section 405. Property maintenance code violation reports.

21 (a) Municipalities to file.--Any municipality may file a  
22 property maintenance code violation report for any person who  
23 owns real property within that municipality with current  
24 property maintenance code violations that have gone unabated for  
25 90 days or more.

26 (b) Forms provided.--Property maintenance code violation  
27 reports shall be made on forms provided by the department or may  
28 be made electronically.

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

1           (1) The name of the convicted property maintenance code  
2 violator.

3           (2) The Social Security number of the violator.

4           (3) The legal description of the real property which is  
5 in violation of the municipal property maintenance code.

6           (4) A description of the condition of the real property  
7 which resulted in the property maintenance code violation.

8           (5) The date of the original property maintenance code  
9 violation.

10          (6) The amount of penalties owed or liens attached to  
11 the property with maintenance code violations.

12          (7) The municipality filing the report.

13       (d) Duties of municipality.--

14           (1) Any municipality that files a property maintenance  
15 code violation report shall follow the guidelines for  
16 expungement under section 407.

17           (2) Information contained in the property maintenance  
18 code violation report shall be subject to the provisions of  
19 the act of June 21, 1957 (P.L.390, No.212), referred to as  
20 the Right-to-Know Law.

21 Section 406. Dissemination of information by department.

22       (a) Requests by municipalities.--

23           (1) Municipalities may request a copy of any property  
24 maintenance code violation report on any pending applicant  
25 for any municipal permit by submitting a property maintenance  
26 code violation report request form to the department or  
27 making the request electronically.

28           (2) The department shall disseminate all property  
29 maintenance code violation reports relating to the municipal  
30 permit applicant to the requesting municipality within two

1 weeks of receipt of a property maintenance code violation  
2 report request from that municipality.

3 (3) The municipality shall notify the applicant in  
4 writing of the reasons for a decision which denies the  
5 applicant the municipal permit requested if that decision is  
6 based in whole or in part on information contained in the  
7 property maintenance code violations registry.

8 (b) Requests by Commonwealth.--

9 (1) Commonwealth agencies may request a copy of any  
10 property maintenance code violation report on any pending  
11 applicant for licensing or certification by submitting a  
12 property maintenance code violation report request form to  
13 the department or making the request electronically.

14 (2) The department shall disseminate all property  
15 maintenance code violation reports relating to the State  
16 license or certification applicant to a requesting State  
17 agency within two weeks of receipt of a property maintenance  
18 code violation report request from that Commonwealth agency.

19 (3) The Commonwealth agency shall notify the applicant  
20 in writing of the reasons for a decision which denies the  
21 licensing or certification requested by that applicant if  
22 that decision is based in whole or in part on information  
23 contained in the property maintenance code violations  
24 registry.

25 (c) Hearing.--If requested by the applicant, a hearing will  
26 be scheduled to appeal any decision made as a result of  
27 municipal property maintenance code violation convictions under  
28 subsection (a)(3) or (b)(3). If the applicant can show cause why  
29 the municipal property maintenance code violation convictions  
30 should not be considered, the State or municipality shall

1 reevaluate the applicant's request for State licenses or  
2 certifications respectively or municipal permits.

3 (d) Record of dissemination.--The department shall maintain  
4 a listing of Commonwealth agencies and all municipalities that  
5 requested information on a particular real property owner and  
6 the date on which the information was disseminated. This  
7 dissemination listing shall be maintained separately from the  
8 record.

9 (e) Dissemination fee.--There shall be no fee assessed for  
10 the dissemination of property maintenance code violations  
11 information.

#### 12 Section 407. Expungement.

13 Each municipality which filed a report with the department  
14 shall notify the department when the real property is brought  
15 into code compliance. The department shall include that  
16 information as part of the official record for that specific  
17 property and violator upon notification by the reporting  
18 municipality.

#### 19 Section 408. Administrative requirements.

20 (a) Registry maintenance.--The department shall be  
21 responsible for the maintenance of the property maintenance code  
22 violations registry and shall promulgate regulations necessary  
23 for the establishment and operation of the property maintenance  
24 code violations registry.

25 (b) Forms.--The department shall develop property  
26 maintenance code violation report forms and property maintenance  
27 code violation report request forms as well as procedures to  
28 obtain the information electronically.

29 (c) Quality control.--The department shall establish  
30 procedures, in compliance with regulations promulgated by the

1 Attorney General, for the completeness and accuracy of  
2 information in the property maintenance code violations  
3 registry.

4 Section 409. Security requirements.

5 The department shall ensure the confidentiality and security  
6 of the information contained in the property maintenance code  
7 violations registry by providing that:

8 (1) Procedures have been instituted to reasonably  
9 protect the property maintenance code violations registry  
10 from theft, fire, sabotage, flood, wind or other natural or  
11 manmade disasters.

12 (2) All personnel authorized to have access to property  
13 violation history record information are selected, supervised  
14 and trained accordingly.

15 Section 410. Audit.

16 (a) Audit required.--The Auditor General shall conduct  
17 annual performance audits of the property maintenance code  
18 violations registry.

19 (b) Access to records.--Persons conducting the audit shall  
20 be provided with access to all records, reports and listings  
21 required to conduct an audit of property maintenance code  
22 violations record information. All persons with access to such  
23 information or authorized to receive information shall cooperate  
24 with and provide information requested.

25 (c) Contents of audit.--The audit shall contain a report of  
26 any deficiencies and any recommendations for the correction of  
27 such deficiencies. The department shall respond to the audit  
28 recommendations within a reasonable period of time unless the  
29 audit report is appealed to the Auditor General and the appeal  
30 is upheld.

(d) Modification of recommendations.--The Auditor General shall have the power to modify the corrective measures recommended by the audit upon appeal of the audit recommendations by the department.

Section 411. Imposition of surcharge.

There is imposed on each individual convicted of a municipal property maintenance code violation a surcharge in the amount of \$10 for each municipal property maintenance code violation resulting in a conviction. This surcharge shall be in addition to any other applicable fees or charges lawfully collected by the municipality and court. The municipality shall collect the surcharge and remit all funds to the department on a quarterly basis. Funds generated by the surcharge shall be used to finance the Statewide implementation of the property maintenance code violations registry.

CHAPTER 5

TAX CLAIM HARDSHIPS

Section 501. Extension of period for discharge of tax claim.

A municipality shall retain a lien for the total amount of taxes owed on a property upon the entering of an equitable apportioned payment schedule with a tax claim bureau.

Section 502. Extension for elderly.

A municipality shall retain a lien for the total amount of taxes owed on the property upon the entering of an equitable apportioned payment schedule with a municipal tax claim bureau.

Section 503. Default on payments.

If an applicant defaults on any payment of an equitable apportioned payment schedule the lien on the property shall be immediately satisfied by upset sale under Article VI of the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax

1 Sale Law.

2 Section 504. Hearing.

3 If requested by the applicant, a hearing shall be scheduled  
4 to appeal any decision made as a result of the default of an  
5 equitable apportioned payment. Should the applicant provide  
6 sufficient reason for the default of the scheduled payment, the  
7 authorized extension shall be reevaluated and reinstated under  
8 this chapter.

9 Section 505. Purchaser responsibility.

10 (a) Purchaser's duties.--After the deed has been conveyed to  
11 the purchaser of the property at a sheriff's sale, if the  
12 property does not comply with municipal housing and building  
13 code standards, then it shall be the responsibility of the  
14 purchaser to:

15 (1) Commence the abatement of substandard conditions  
16 within 30 days of sale confirmation.

17 (2) Bring the property into full municipal housing and  
18 building code compliance within nine months of the sale  
19 confirmation.

20 (b) Municipal authority.--Municipalities shall be authorized  
21 to extend or reevaluate the time frames established in  
22 subsection (a) as deemed necessary.

23 (c) Appeal hearing.--If requested by the purchaser, a  
24 hearing shall be scheduled to appeal any decision made as a  
25 result of the failure to achieve code compliance under  
26 subsection (a). Should the purchaser provide sufficient reason  
27 for the failure to comply with the municipal housing and  
28 building code, an authorized extension shall be granted by the  
29 municipality pursuant to subsection (b).

30 (d) Resale.--If the purchaser of the property fails to

1 achieve full code compliance under subsection (a), upon petition  
2 of the municipality to the court of common pleas, the property  
3 shall be put up for sale as the court shall direct, and the  
4 purchaser shall receive the net proceeds from the resale of the  
5 property in question.

6 CHAPTER 6

7 MISCELLANEOUS PROVISIONS

8 Section 601. Effective date.

9 This act shall take effect in 60 days.