

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1952

Session of
2001

INTRODUCED BY HABAY, KENNEY, PETRONE, ARGALL, PHILLIPS, BROWNE,
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WALKO, HERMAN, JAMES, BEBKO-JONES, CAPPELLI, MICHLOVIC AND
CALTAGIRONE, SEPTEMBER 26, 2001

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 17, 2002

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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18 AMENDING THE ACT OF MAY 24, 1945 (P.L.991, NO.385), ENTITLED "AN <—
19 ACT TO PROMOTE ELIMINATION OF BLIGHTED AREAS AND SUPPLY
20 SANITARY HOUSING IN AREAS THROUGHOUT THE COMMONWEALTH; BY
21 DECLARING ACQUISITION, SOUND REPLANNING AND REDEVELOPMENT OF
22 SUCH AREAS TO BE FOR THE PROMOTION OF HEALTH, SAFETY,
23 CONVENIENCE AND WELFARE; CREATING PUBLIC BODIES CORPORATE AND
24 POLITIC TO BE KNOWN AS REDEVELOPMENT AUTHORITIES; AUTHORIZING
25 THEM TO ENGAGE IN THE ELIMINATION OF BLIGHTED AREAS AND TO
26 PLAN AND CONTRACT WITH PRIVATE, CORPORATE OR GOVERNMENTAL
27 REDEVELOPERS FOR THEIR REDEVELOPMENT; PROVIDING FOR THE
28 ORGANIZATION OF SUCH AUTHORITIES; DEFINING AND PROVIDING FOR
29 THE EXERCISE OF THEIR POWERS AND DUTIES, INCLUDING THE
30 ACQUISITION OF PROPERTY BY PURCHASE, GIFT OR EMINENT DOMAIN;
31 THE LEASING AND SELLING OF PROPERTY, INCLUDING BORROWING
32 MONEY, ISSUING BONDS AND OTHER OBLIGATIONS, AND GIVING
33 SECURITY THEREFOR; RESTRICTING THE INTEREST OF MEMBERS AND
34 EMPLOYES OF AUTHORITIES; PROVIDING FOR NOTICE AND HEARING;
35 SUPPLYING CERTAIN MANDATORY PROVISIONS TO BE INSERTED IN
36 CONTRACTS WITH REDEVELOPERS; PRESCRIBING THE REMEDIES OF
37 OBLIGEEES OF REDEVELOPMENT AUTHORITIES; CONFERRING CERTAIN
38 DUTIES UPON LOCAL PLANNING COMMISSIONS, THE GOVERNING BODIES
39 OF CITIES AND COUNTIES, AND ON CERTAIN STATE OFFICERS, BOARDS
40 AND DEPARTMENTS," FURTHER PROVIDING FOR PROVISIONS OF THE
41 REDEVELOPMENT CONTRACT AND FOR BLIGHTED PROPERTY REMOVAL; AND
42 ~~MAKING A REPEAL.~~ PROVIDING FOR A STATUTE OF LIMITATIONS. <—

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

3 CHAPTER 1

<—

4 GENERAL PROVISIONS

5 ~~Section 101. Short title.~~

6 ~~This act shall be known and may be cited as the Urban Blight~~
7 ~~Eradication Act.~~

8 ~~Section 102. Legislative declaration.~~

9 ~~The General Assembly declares:~~

10 ~~(1) There exist in many municipalities in this~~
11 ~~Commonwealth neighborhoods which are blighted, are becoming~~
12 ~~blighted or may become blighted because of vacant, abandoned,~~
13 ~~deteriorated or deteriorating residential, commercial and~~
14 ~~industrial buildings and trash strewn, weed infested and~~
15 ~~vermin infested vacant lots.~~

16 ~~(2) Many citizens of this Commonwealth residing in close~~
17 ~~proximity to buildings that fail to meet municipal building~~
18 ~~and housing codes for public safety and sanitation are~~
19 ~~adversely affected by blighted properties, substandard~~
20 ~~buildings, as well as by vacant residential, commercial or~~
21 ~~industrial properties.~~

22 ~~(3) Substandard structures, whether occupied or vacant,~~
23 ~~are a safety threat and nuisance, and their blighting effect~~
24 ~~significantly reduces the property values in the~~
25 ~~neighborhoods in which these properties are located,~~
26 ~~resulting in the loss of equity for property owners in the~~
27 ~~neighborhood who do maintain their properties. Uncorrected,~~
28 ~~these conditions will increase the rate of abandonment and~~
29 ~~destruction of such neighborhoods, which in turn will erode~~
30 ~~the local tax base, depriving municipalities of revenues~~

1 ~~needed to provide essential municipal services and~~
2 ~~facilities.~~

3 ~~(4) If these buildings are not rehabilitated and brought~~
4 ~~into code compliance, they are likely to be abandoned,~~
5 ~~resulting in increased costs to the Commonwealth, the~~
6 ~~municipality and ultimately the taxpayers who must pay to~~
7 ~~secure and ultimately demolish these buildings.~~

8 ~~(5) If it becomes necessary to abandon a residential~~
9 ~~apartment building, existing tenants will also be displaced,~~
10 ~~disrupting lives and adding to the affordable housing~~
11 ~~problems of the municipality and the Commonwealth as many~~
12 ~~displaced tenants may become homeless.~~

13 ~~(6) Changes in the national economy, including corporate~~
14 ~~downsizing and plant closures, have also resulted in~~
15 ~~underused and abandoned industrial sites referred to as~~
16 ~~brownfields in many areas of this Commonwealth, including~~
17 ~~urban settings. These abandoned sites have further~~
18 ~~contributed to neighborhood blight.~~

19 ~~(7) Abandoned commercial and industrial properties~~
20 ~~located in blighted areas of this Commonwealth, if~~
21 ~~decontaminated and rehabilitated, have the potential to once~~
22 ~~again become employment centers and serve as economic~~
23 ~~development catalysts to reverse existing and past trends,~~
24 ~~which led to the neighborhood becoming blighted in the first~~
25 ~~place.~~

26 ~~(8) Many buildings throughout this Commonwealth are in~~
27 ~~violation of municipal building and housing codes, are a~~
28 ~~public nuisance and have liens against them for real property~~
29 ~~taxes.~~

30 ~~Section 103. Definitions.~~

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

~~"Serious violations."—Housing, building, property maintenance or fire safety code violations that pose an immediate threat to the health and safety of dwelling occupants or occupants in surrounding structures and passers by.~~

~~"Substantial steps."—An affirmative action on the part of the property owner or managing agent that is within the control of the owner or agent, as determined by the municipality, to remedy code violations involving physical improvements or preparations to the property.~~

~~"Tax delinquent property."—For the purposes of this act, the term shall include any tax delinquent real property, as defined by the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, owned in any municipality in this Commonwealth.~~

~~CHAPTER 2~~

~~COMMONWEALTH PERMIT AND LICENSE DENIAL~~

~~Section 201.—Authority.~~

~~(a) Denial.—All departments, boards and commissions may deny issuing to any applicant, any State permit, certification, license or State approval for contemplated action requiring such approval, if the applicant owns any real property in this Commonwealth:~~

~~(1) for which taxes, or sewer or refuse collection charges are delinquent on the real property;~~

~~(2) that has been determined to be in serious violation of applicable State or municipal housing, building, property maintenance or fire safety code requirements, and has not~~

~~taken substantial steps to bring the property into code compliance; and~~

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

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

~~(1) is not presently delinquent in taxes or sewer or refuse collection charges;~~

~~(2) is now in code compliance; or~~

~~(3) has had substantial steps taken to bring the property into code compliance.~~

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

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

~~CHAPTER 3~~

~~PRIVATE ASSET ATTACHMENT~~

~~Section 301. Authority.~~

~~In addition to the remedies contained in other statutes, a municipality may institute in personam actions or proceedings at law or in equity against the legal owner or owner of record of~~

~~any building, housing or land in serious violation of any ordinance regarding building and housing codes. Any action against the owner of record shall be for an amount equal to any penalties and any amount expended by the municipality in abating the violation. An in personam action may also be initiated pursuant to this section for a continuing violation for which the legal owner of record takes no substantial steps as defined in section 102 to correct, within six months following notification of any violation.~~

~~CHAPTER 4~~

~~STATEWIDE COMPUTER REGISTRY~~

~~Section 401. Short title of chapter.~~

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

~~Section 402. Legislative intent.~~

~~It is the intent of the General Assembly to eliminate the neighborhood blight caused by real property owners who fail to comply with municipal property maintenance codes. Neighborhood blight may be partially eliminated by giving the Commonwealth and municipalities access to information pertaining to the current property maintenance code violations of property owners applying for State and municipal permits. Access to this information can be facilitated by the creation of a Statewide central registry which contains a comprehensive listing of real property owners along with property violations for which the real property owner was convicted.~~

~~Section 403. 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:~~

1 ~~"Applicant." Any owner of real property who applies for any~~
2 ~~State license or certification or municipal permit.~~

3 ~~"Commonwealth agency." The Governor, departments, boards,~~
4 ~~agencies, commissions, authorities and other officers of the~~
5 ~~Commonwealth, including those subject to the policy supervision~~
6 ~~and control of the Governor. The term does not include any court~~
7 ~~or other officer or agency of the unified judicial system or the~~
8 ~~General Assembly or any of its officers and agencies.~~

9 ~~"Department." The Department of Community and Economic~~
10 ~~Development of the Commonwealth.~~

11 ~~"License." A permit granted by the Commonwealth or one of~~
12 ~~its agencies which gives permission to the applicant to~~
13 ~~participate in a certain activity or exercise a certain~~
14 ~~privilege.~~

15 ~~"Licensing" or "certification." The issuance of a license or~~
16 ~~the formal assertion in writing of some fact or qualification~~
17 ~~from the Commonwealth or one of its agencies.~~

18 ~~"Municipal permits." Building permits, exceptions to zoning~~
19 ~~ordinances, occupancy permits and other privileges granted by a~~
20 ~~municipality.~~

21 ~~"Municipality." A county, city, borough, incorporated town~~
22 ~~or township, including any home rule municipality.~~

23 ~~"Property maintenance code." Any municipal ordinance which~~
24 ~~regulates the maintenance or development of real property. The~~
25 ~~term includes building codes, housing codes and public safety~~
26 ~~codes.~~

27 ~~"Property maintenance code violation." A violation of a~~
28 ~~property maintenance code.~~

29 ~~Section 404. Property maintenance code violations registry.~~

30 ~~(a) Establishment. The department shall establish,~~

~~implement and administer a property maintenance code violations registry.~~

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

~~Section 405. Property maintenance code violation reports.~~

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

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

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

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

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

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

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

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

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

~~(7) The municipality filing the report.~~

~~(d) Duties of municipality.~~

~~(1) Any municipality that files a property maintenance~~

~~code violation report shall follow the guidelines for
expungement under section 407.~~

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

~~Section 406. Dissemination of information by department.~~

~~(a) Requests by municipalities.~~

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

~~(2) The department shall disseminate all property
maintenance code violation reports relating to the municipal
permit applicant to the requesting municipality within two
weeks of receipt of a property maintenance code violation
report request from that municipality.~~

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

~~(b) Requests by Commonwealth.~~

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

~~(2) The department shall disseminate all property~~

1 maintenance code violation reports relating to the State
2 license or certification applicant to a requesting State
3 agency within two weeks of receipt of a property maintenance
4 code violation report request from that Commonwealth agency.

5 (3) The Commonwealth agency shall notify the applicant
6 in writing of the reasons for a decision which denies the
7 licensing or certification requested by that applicant if
8 that decision is based in whole or in part on information
9 contained in the property maintenance code violations
10 registry.

11 (c) Hearing. If requested by the applicant, a hearing will
12 be scheduled to appeal any decision made as a result of
13 municipal property maintenance code violation convictions under
14 subsection (a)(3) or (b)(3). If the applicant can show cause why
15 the municipal property maintenance code violation convictions
16 should not be considered, the State or municipality shall
17 reevaluate the applicant's request for State licenses or
18 certifications respectively or municipal permits.

19 (d) Record of dissemination. The department shall maintain
20 a listing of Commonwealth agencies and all municipalities that
21 requested information on a particular real property owner and
22 the date on which the information was disseminated. This
23 dissemination listing shall be maintained separately from the
24 record.

25 (e) Dissemination fee. There shall be no fee assessed for
26 the dissemination of property maintenance code violations
27 information.

28 Section 407. Expungement.

29 Each municipality which filed a report with the department
30 shall notify the department not later than 15 days after the

~~real property is brought into code compliance. The department shall include that information as part of the official record for that specific property and violator upon notification by the reporting municipality.~~

~~Section 408.— Administrative requirements.~~

~~(a) Registry maintenance.— The department shall be responsible for the maintenance of the property maintenance code violations registry and shall promulgate regulations necessary for the establishment and operation of the property maintenance code violations registry.~~

~~(b) Forms.— The department shall develop property maintenance code violation report forms and property maintenance code violation report request forms as well as procedures to obtain the information electronically.~~

~~(c) Quality control.— The department shall establish procedures, in compliance with regulations promulgated by the Attorney General, for the completeness and accuracy of information in the property maintenance code violations registry.~~

~~Section 409.— Security requirements.~~

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

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

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

~~Section 410. Audit.~~

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

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

~~(c) Contents of audit. The audit shall contain a report of any deficiencies and any recommendations for the correction of such deficiencies. The department shall respond to the audit recommendations within a reasonable period of time unless the audit report is appealed to the Auditor General and the appeal 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 Sale Law.~~

~~Section 504. Hearing.~~

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

~~Section 505. Purchaser responsibility.~~

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

1 SHALL CONTAIN, WITHOUT BEING LIMITED TO, THE FOLLOWING
2 PROVISIONS:

3 (1) A LEGAL DESCRIPTION OF THE REDEVELOPMENT AREA COVERED BY
4 THE CONTRACT, AND A COVENANT RUNNING WITH LAND TO THE EFFECT
5 THAT NO PERSON SHALL BE DEPRIVED OF THE RIGHT TO LIVE IN THE
6 REDEVELOPMENT PROJECT, OR TO USE ANY OF THE FACILITIES THEREIN
7 BY REASON OF RACE, CREED, COLOR OR NATIONAL ORIGIN, AND SUCH
8 OTHER EASEMENTS, OR OTHER RIGHTS AS ARE TO BE RESERVED THEREIN
9 BY THE AUTHORITY;

10 (2) PLANS AND SUCH OTHER DOCUMENTS AS MAY BE REQUIRED TO
11 SHOW THE TYPE, MATERIAL, STRUCTURE AND GENERAL CHARACTER OF THE
12 REDEVELOPMENT PROJECT;

13 (3) A STATEMENT OF THE USE INTENDED FOR EACH PART OF THE
14 PROJECT;

15 (4) A GUARANTY OF COMPLETION OF THE REDEVELOPMENT PROJECT
16 WITHIN SPECIFIED TIME LIMITS;

17 (4-1) A REQUIREMENT THAT EVERY CONTRACT FOR CONSTRUCTION,
18 INSTALLATION, ALTERATION, REPAIR OF, OR ADDITION TO, THE
19 REDEVELOPMENT PROJECT, WHERE THE ESTIMATED COST SHALL EXCEED
20 [\$500.00] \$10,000.00, SHALL CONTAIN A PROVISION OBLIGATING THE
21 CONTRACTOR TO THE PROMPT PAYMENT OF ALL MATERIAL FURNISHED,
22 LABOR SUPPLIED OR PERFORMED, RENTAL FOR EQUIPMENT EMPLOYED, AND
23 SERVICES RENDERED BY PUBLIC UTILITIES IN OR IN CONNECTION WITH
24 THE PROSECUTION OF THE WORK, WHETHER OR NOT, THE SAID MATERIAL,
25 LABOR, EQUIPMENT AND SERVICES ENTER INTO AND BECOME COMPONENT
26 PARTS OF THE WORK OR IMPROVEMENT CONTEMPLATED. SUCH PROVISION
27 SHALL BE DEEMED TO BE INCLUDED FOR THE BENEFIT OF EVERY PERSON,
28 CO-PARTNERSHIP, ASSOCIATION OR CORPORATION, WHO AS
29 SUBCONTRACTOR, OR OTHERWISE, HAS FURNISHED MATERIAL, SUPPLIED OR
30 PERFORMED LABOR, RENTED EQUIPMENT, OR SUPPLIED SERVICES IN OR IN

1 CONNECTION WITH THE PROSECUTION OF THE WORK AS AFORESAID, AND
2 THE INCLUSION THEREOF IN ANY CONTRACT SHALL PRECLUDE THE FILING
3 BY ANY SUCH PERSON, CO-PARTNERSHIP, ASSOCIATION OR CORPORATION
4 OF ANY MECHANICS' LIEN CLAIM FOR SUCH MATERIAL, LABOR OR RENTAL
5 OF EQUIPMENT, AND FURTHER REQUIRING THAT THE CONTRACTOR SHALL
6 GIVE TO THE REDEVELOPER AN APPROPRIATE BOND FOR THE PROMPT
7 PAYMENT BY THE CONTRACTOR FOR MATERIALS, SUPPLIES, LABOR,
8 SERVICES AND EQUIPMENT IN SUCH FORM AS THE AUTHORITY MAY
9 PRESCRIBE;

10 (5) A PROVISION THAT THE REDEVELOPER SHALL BE WITHOUT POWER
11 TO SELL, LEASE OR OTHERWISE TRANSFER THE REDEVELOPMENT AREA, OR
12 PROJECT, OR ANY PART THEREOF, WITHOUT THE PRIOR WRITTEN CONSENT
13 OF THE AUTHORITY, UNTIL THE AUTHORITY SHALL HAVE CERTIFIED IN
14 WRITING THAT THE REDEVELOPMENT PROJECT HAS BEEN COMPLETED;

15 (6) THE AMOUNT OF THE CONSIDERATION TO BE PAID BY THE
16 REDEVELOPER TO THE AUTHORITY;

17 (7) ADEQUATE SAFEGUARDS FOR PROPER MAINTENANCE OF ALL PARTS
18 OF THE PROJECT;

19 (8) PROHIBITION AGAINST DISCRIMINATION IN THE USE, SALE OR
20 LEASE OF ANY PART OF THE PROJECT AGAINST ANY PERSON BECAUSE OF
21 RACE, COLOR, RELIGION OR NATIONAL ORIGIN;

22 (9) SUCH OTHER CONTINUING CONTROLS AS MAY BE DEEMED
23 NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ACT;

24 (B) ANY DEED OR LEASE TO A REDEVELOPER IN FURTHERANCE OF A
25 REDEVELOPMENT CONTRACT SHALL BE EXECUTED IN THE NAME OF THE
26 AUTHORITY, BY ITS PROPER OFFICERS, AND SHALL CONTAIN IN ADDITION
27 TO ALL OTHER PROVISIONS, SUCH PROVISIONS AS THE AUTHORITY MAY
28 DEEM DESIRABLE TO RUN WITH THE LAND IN ORDER TO EFFECTUATE THE
29 PURPOSES OF THIS ACT;

30 (C) ANY LEASE TO A REDEVELOPER MAY PROVIDE THAT ALL

1 IMPROVEMENTS SHALL BECOME THE PROPERTY OF THE AUTHORITY. THE
2 EXECUTION OF SUCH A LEASE SHALL NOT IN ITSELF IMPOSE UPON THE
3 AUTHORITY ANY LIABILITY FOR OR BY REASON OF THE FINANCING,
4 CONSTRUCTION, MANAGEMENT OR OPERATION OF ANY REDEVELOPMENT
5 PROJECT.

6 SECTION 2. SECTION 12.1 OF THE ACT, AMENDED OR ADDED JUNE
7 23, 1978 (P.L.556, NO.94) AND MARCH 30, 1988 (P.L.304, NO.39),
8 IS AMENDED TO READ:

9 SECTION 12.1. BLIGHTED PROPERTY REMOVAL.--

10 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ANY
11 REDEVELOPMENT AUTHORITY SHALL HAVE THE POWER TO ACQUIRE BY
12 PURCHASE, GIFT, BEQUEST, EMINENT DOMAIN OR OTHERWISE, ANY
13 BLIGHTED PROPERTY AS DEFINED IN THIS SECTION, EITHER WITHIN OR
14 OUTSIDE OF A CERTIFIED REDEVELOPMENT AREA AND, FURTHER, SHALL
15 HAVE THE POWER TO HOLD, CLEAR, MANAGE AND/OR DISPOSE OF SAID
16 PROPERTY FOR RESIDENTIAL AND RELATED REUSE AND COMMERCIAL OR
17 INDUSTRIAL REUSE. THIS POWER SHALL BE EXERCISED IN ACCORD WITH
18 THE PROCEDURES SET FORTH IN THIS SECTION.

19 (B) SUCH POWER ON THE PART OF ANY REDEVELOPMENT AUTHORITY
20 SHALL BE CONDITIONED UPON THE CREATION OR EXISTENCE OF A
21 [VACANT] BLIGHTED PROPERTY REVIEW COMMITTEE BY ORDINANCE OF THE
22 GOVERNING BODY OF THE MUNICIPALITY. THE COMMITTEE SHALL BE MADE
23 UP OF MEMBERS AS DETERMINED IN THE SAID ORDINANCE, BUT SHALL
24 INCLUDE AT LEAST ONE MEMBER OF THE GOVERNING BODY, A
25 REPRESENTATIVE OF THE REDEVELOPMENT AUTHORITY, A REPRESENTATIVE
26 OF THE APPROPRIATE PLANNING COMMISSION, AND A REPRESENTATIVE TO
27 BE DESIGNATED BY THE CHIEF EXECUTIVE OFFICER OR OFFICERS FROM
28 THE EXECUTIVE BRANCH OF THE GOVERNMENT OF THE MUNICIPALITY.

29 (C) BLIGHTED PROPERTY SHALL INCLUDE:

30 (1) ANY PREMISES WHICH BECAUSE OF PHYSICAL CONDITION OR USE

1 IS REGARDED AS A PUBLIC NUISANCE AT COMMON LAW OR HAS BEEN
2 DECLARED A PUBLIC NUISANCE IN ACCORDANCE WITH THE LOCAL HOUSING,
3 BUILDING, PLUMBING, FIRE AND RELATED CODES.

4 (2) ANY PREMISES WHICH BECAUSE OF PHYSICAL CONDITION, USE OR
5 OCCUPANCY IS CONSIDERED AN ATTRACTIVE NUISANCE TO CHILDREN,
6 INCLUDING BUT NOT LIMITED TO ABANDONED WELLS, SHAFTS, BASEMENTS,
7 EXCAVATIONS, AND UNSAFE FENCES OR STRUCTURES.

8 (3) ANY DWELLING WHICH BECAUSE IT IS DILAPIDATED,
9 UNSANITARY, UNSAFE, VERMIN-INFESTED OR LACKING IN THE FACILITIES
10 AND EQUIPMENT REQUIRED BY THE HOUSING CODE OF THE MUNICIPALITY,
11 HAS BEEN DESIGNATED BY THE DEPARTMENT RESPONSIBLE FOR
12 ENFORCEMENT OF THE CODE AS UNFIT FOR HUMAN HABITATION.

13 (4) ANY STRUCTURE WHICH IS A FIRE HAZARD, OR IS OTHERWISE
14 DANGEROUS TO THE SAFETY OF PERSONS OR PROPERTY.

15 (5) ANY STRUCTURE FROM WHICH THE UTILITIES, PLUMBING,
16 HEATING, SEWERAGE OR OTHER FACILITIES HAVE BEEN DISCONNECTED,
17 DESTROYED, REMOVED, OR RENDERED INEFFECTIVE SO THAT THE PROPERTY
18 IS UNFIT FOR ITS INTENDED USE.

19 (6) ANY VACANT OR UNIMPROVED LOT OR PARCEL OF GROUND IN A
20 PREDOMINANTLY BUILT-UP-NEIGHBORHOOD, WHICH BY REASON OF NEGLECT
21 OR LACK OF MAINTENANCE HAS BECOME A PLACE FOR ACCUMULATION OF
22 TRASH AND DEBRIS, OR A HAVEN FOR RODENTS OR OTHER VERMIN.

23 (7) ANY UNOCCUPIED PROPERTY WHICH HAS BEEN TAX DELINQUENT
24 FOR A PERIOD OF TWO YEARS PRIOR TO THE EFFECTIVE DATE OF THIS
25 ACT, AND THOSE IN THE FUTURE HAVING A TWO YEAR TAX DELINQUENCY.

26 (8) ANY PROPERTY WHICH IS VACANT BUT NOT TAX DELINQUENT,
27 WHICH HAS NOT BEEN REHABILITATED WITHIN ONE YEAR OF THE RECEIPT
28 OF NOTICE TO REHABILITATE FROM THE APPROPRIATE CODE ENFORCEMENT
29 AGENCY.

30 (9) ANY ABANDONED PROPERTY. A PROPERTY SHALL BE CONSIDERED

1 ABANDONED IF:

2 (I) IT IS A VACANT OR UNIMPROVED LOT OR PARCEL OF GROUND ON
3 WHICH A MUNICIPAL LIEN FOR THE COST OF DEMOLITION OF ANY
4 STRUCTURE LOCATED ON THE PROPERTY REMAINS UNPAID FOR A PERIOD OF
5 SIX MONTHS;

6 (II) IT IS A VACANT PROPERTY OR VACANT OR UNIMPROVED LOT OR
7 PARCEL OF GROUND ON WHICH THE TOTAL OF MUNICIPAL LIENS ON THE
8 PROPERTY FOR TAX OR ANY OTHER TYPE OF CLAIM OF THE MUNICIPALITY
9 ARE IN EXCESS OF 150% OF THE FAIR MARKET VALUE OF THE PROPERTY
10 AS ESTABLISHED BY THE BOARD OF REVISIONS OF TAXES OR OTHER BODY
11 WITH LEGAL AUTHORITY TO DETERMINE THE TAXABLE VALUE OF THE
12 PROPERTY; OR

13 (III) THE PROPERTY HAS BEEN DECLARED ABANDONED BY THE OWNER,
14 INCLUDING AN ESTATE THAT IS IN POSSESSION OF THE PROPERTY.

15 (D) RESIDENTIAL AND RELATED USE SHALL INCLUDE RESIDENTIAL
16 PROPERTY FOR SALE OR RENTAL AND RELATED USES, INCLUDING, BUT NOT
17 LIMITED TO, PARK AND RECREATION AREAS, NEIGHBORHOOD COMMUNITY
18 SERVICE, AND NEIGHBORHOOD PARKING LOTS.

19 (E) THE BLIGHTED PROPERTY REVIEW COMMITTEE AND THE
20 APPROPRIATE PLANNING COMMISSION, UPON MAKING A DETERMINATION
21 THAT ANY PROPERTY IS BLIGHTED WITHIN THE TERMS OF THIS SECTION,
22 MUST CERTIFY SAID BLIGHTED PROPERTY TO THE REDEVELOPMENT
23 AUTHORITY, EXCEPT THAT:

24 (1) NO PROPERTY SHALL BE CERTIFIED TO THE REDEVELOPMENT
25 AUTHORITY UNLESS IT IS VACANT. A PROPERTY SHALL BE CONSIDERED
26 VACANT IF:

27 (I) THE PROPERTY IS UNOCCUPIED OR ITS OCCUPANCY HAS NOT BEEN
28 AUTHORIZED BY THE OWNER OF THE PROPERTY;

29 (II) IN THE CASE OF AN UNIMPROVED LOT OR PARCEL OF GROUND, A
30 LIEN FOR THE COST OF DEMOLITION OF ANY STRUCTURE LOCATED ON THE

1 PROPERTY REMAINS UNPAID FOR A PERIOD OF SIX MONTHS; OR
2 (III) IN THE CASE OF AN UNIMPROVED LOT OR PARCEL OF GROUND,
3 THE PROPERTY HAS REMAINED IN VIOLATION OF ANY PROVISION OF LOCAL
4 BUILDING, PROPERTY MAINTENANCE OR RELATED CODES APPLICABLE TO
5 SUCH LOTS OR PARCELS, INCLUDING LICENSING REQUIREMENTS, FOR A
6 PERIOD OF SIX MONTHS.

7 (2) NO PROPERTY SHALL BE CERTIFIED TO THE REDEVELOPMENT
8 AUTHORITY UNLESS THE OWNER OF THE PROPERTY OR AN AGENT
9 DESIGNATED BY HIM FOR RECEIPT OF SERVICE OF NOTICES WITHIN THE
10 MUNICIPALITY HAS BEEN SERVED WITH NOTICE OF THE DETERMINATION
11 THAT THE PROPERTY IS BLIGHTED, TOGETHER WITH AN APPROPRIATE
12 ORDER TO ELIMINATE THE CONDITIONS CAUSING THE BLIGHT AND
13 NOTIFICATION THAT FAILURE TO DO SO MAY RENDER THE PROPERTY
14 SUBJECT TO CONDEMNATION UNDER THIS ACT. THE NOTICE SHALL BE
15 SERVED UPON THE OWNER OR HIS AGENT IN ACCORD WITH THE PROVISIONS
16 OF A LOCAL ORDINANCE PERTAINING TO SERVICE OF NOTICE OF
17 DETERMINATION OF A PUBLIC NUISANCE. THE OWNER OR HIS AGENT SHALL
18 HAVE THE RIGHT OF APPEAL FROM THE DETERMINATION IN THE SAME
19 MANNER AS AN APPEAL FROM THE DETERMINATION OF PUBLIC NUISANCE.

20 (3) NO BLIGHTED PROPERTY SHALL BE CERTIFIED TO THE
21 REDEVELOPMENT AUTHORITY UNTIL THE TIME PERIOD FOR APPEAL HAS
22 EXPIRED AND NO APPEAL HAS BEEN TAKEN, OR, IF TAKEN, THE APPEAL
23 HAS BEEN DISPOSED OF, AND THE OWNER OR HIS AGENT HAS FAILED TO
24 COMPLY WITH THE ORDER OF THE RESPONSIBLE DEPARTMENT OR OTHER
25 OFFICER OR AGENCY.

26 (F) ACQUISITION AND DISPOSITION OF BLIGHTED PROPERTY UNDER
27 THIS SECTION SHALL NOT REQUIRE PREPARATION, ADOPTION OR APPROVAL
28 OF A REDEVELOPMENT AREA PLAN OR REDEVELOPMENT PROPOSAL AS SET
29 FORTH IN SECTION 10, BUT AT LEAST THIRTY DAYS PRIOR TO
30 ACQUISITION OF ANY PROPERTY UNDER THIS SECTION, THE

1 REDEVELOPMENT AUTHORITY SHALL TRANSMIT IDENTIFICATION OF THE
2 PROPERTY TO THE PLANNING COMMISSION OF THE MUNICIPALITY AND
3 SHALL REQUEST A RECOMMENDATION AS TO THE APPROPRIATE REUSE OF
4 THE PROPERTY. THE REDEVELOPMENT AUTHORITY SHALL NOT ACQUIRE THE
5 PROPERTY WHERE THE PLANNING COMMISSION CERTIFIES THAT
6 DISPOSITION FOR RESIDENTIAL OR RELATED USE WOULD NOT BE IN
7 ACCORD WITH THE COMPREHENSIVE PLAN OF THE MUNICIPALITY.

8 (G) POWER OF EMINENT DOMAIN SHALL BE EXERCISED PURSUANT TO A
9 RESOLUTION OF THE REDEVELOPMENT AUTHORITY AND THE PROCEDURE SET
10 FORTH IN THE ACT OF JUNE 22, 1964 (SP.SESS., P.L.84, NO.6),
11 KNOWN AS THE "EMINENT DOMAIN CODE," AS AMENDED.

12 (H) PROPERTY DISPOSED OF WITHIN A REDEVELOPMENT AREA SHALL
13 BE DISPOSED OF UNDER A REDEVELOPMENT CONTRACT IN ACCORDANCE WITH
14 THE PROVISIONS OF THIS ACT.

15 PROPERTY DISPOSED OF OUTSIDE AN URBAN RENEWAL PROJECT AREA
16 SHALL BE DISPOSED OF BY DEED IN ACCORDANCE WITH THE PROVISIONS
17 SET FORTH IN APPLICABLE LAW.

18 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

19 SECTION 19.2. STATUTE OF LIMITATIONS.--

20 NOTWITHSTANDING THE PROVISIONS OF 42 PA.C.S. § 5526(4)
21 (RELATING TO FIVE YEAR LIMITATION) OR ANY OTHER PROVISION OF LAW
22 TO THE CONTRARY, A PROCEEDING TO CHALLENGE JUST COMPENSATION OR
23 OTHER DAMAGES IF A REDEVELOPMENT AUTHORITY HAS EXERCISED POWERS
24 OF CONDEMNATION PURSUANT TO THIS ACT AND MADE PAYMENT IN
25 ACCORDANCE WITH SECTION 407(A) OR (B) OF THE ACT OF JUNE 22,
26 1964 (SP.SESS., P.L.84, NO.6), KNOWN AS THE "EMINENT DOMAIN
27 CODE," IS SUBJECT TO A ONE-YEAR STATUTE OF LIMITATIONS.

28 SECTION ~~3~~ 4. THE AMENDMENT OF SECTION 11 OF THE ACT SHALL <—
29 APPLY TO CONTRACTS ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS
30 ACT.

1 ~~SECTION 4. A PROCEEDING IN INVERSE CONDEMNATION MUST BE~~ <—
2 ~~COMMENCED WITHIN ONE YEAR IF:~~

3 ~~(1) PROPERTY HAS BEEN INJURED BUT NO PART THEREOF HAS~~
4 ~~BEEN TAKEN; OR~~

5 ~~(2) THE CONDEMNOR HAS MADE PAYMENT IN ACCORDANCE WITH~~
6 ~~SECTION 407(A) OR (B) OF THE ACT OF JUNE 22, 1964 (SP.SESS.,~~
7 ~~P.L.84, NO.6), KNOWN AS THE EMINENT DOMAIN CODE.~~

8 ~~SECTION 5. THE PROVISIONS OF 42 PA.C.S. § 5526(4) ARE~~
9 ~~REPEALED.~~

10 ~~SECTION 6 5. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.~~ <—