

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1690

Session of
1975

INTRODUCED BY MESSRS. MEBUS, DeMEDIO, RITTER, FRYER AND WEIDNER,
JULY 24, 1975

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 4, 1976

AN ACT

1 Amending the act of July 27, 1955 (P.L.288, No.104), entitled,
2 as amended, "An act making it unlawful for owners of certain
3 property in cities of the first class, cities of the second
4 class and in cities of the third class adopting the
5 provisions of this act, to sell or agree to sell such
6 property without first delivering to the purchaser a
7 certification of the District classification and without
8 first delivering a certification disclosing any notice of an
9 uncorrected violation of any housing, building, safety, or
10 fire ordinance; and requiring such owners to insert in any
11 agreement of sale of such property a statement concerning
12 zoning classification, legality of the use of such property
13 and, in addition thereto, a statement concerning uncorrected
14 violations of housing, building, safety or fire ordinances;
15 and providing penalties for violations," making the act
16 available to cities of the second class A, boroughs, towns
17 and townships AND AUTHORIZING A FEE FOR CERTIFICATES. <—

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

20 Section 1. The title, section 1, subsection (b) of section
21 2, section 3 and section 4, act of July 27, 1955 (P.L.288,
22 No.104), entitled, as amended, "An act making it unlawful for
23 owners of certain property in cities of the first class, cities
24 of the second class and in cities of the third class adopting
25 the provisions of this act, to sell or agree to sell such

1 property without first delivering to the purchaser a
2 certification of the District classification and without first
3 delivering a certification disclosing any notice of an
4 uncorrected violation of any housing, building, safety, or fire
5 ordinance; and requiring such owners to insert in any agreement
6 of sale of such property a statement concerning zoning
7 classification, legality of the use of such property and, in
8 addition thereto, a statement concerning uncorrected violations
9 of housing, building, safety or fire ordinances; and providing
10 penalties for violations," reenacted and amended November 28,
11 1973 (P.L.348, No.121), are amended to read:

12 AN ACT

13 Making it unlawful for owners of certain property in cities of
14 the first class, cities of the second class and in cities of
15 the [third class] second class A, cities of the third class,
16 boroughs, towns and townships adopting the provisions of this
17 act, to sell or agree to sell such property without first
18 delivering to the purchaser a certification of the District
19 classification and without first delivering a certification
20 disclosing any notice of an uncorrected violation of any
21 housing, building, safety, or fire ordinance; and requiring
22 such owners to insert in any agreement of sale of such
23 property a statement concerning zoning classification,
24 legality of the use of such property and, in addition
25 thereto, a statement concerning uncorrected violations of
26 housing, building, safety or fire ordinances; and providing
27 penalties for violations.

28 Section 1. Legislative Findings.--

29 (a) The General Assembly finds that in [cities of the first
30 class and in cities of the second class and in cities of the

1 third class] municipalities throughout the Commonwealth many
2 owners of properties are using such properties in violation of
3 the zoning ordinances and regulations of such [cities]
4 municipalities, and are maintaining such properties in violation
5 of housing, building, safety, and fire ordinances and
6 regulations, and are offering such properties for sale without
7 revealing such illegal use or the receipt of notice of the
8 existence of housing, building, safety and fire violations. Many
9 innocent purchasers of such properties are not aware of the
10 illegal use or the existence of the nature of violations until
11 they have entered into agreements of sale or have consummated
12 the purchase.

13 (b) In order to prevent undue hardships and losses imposed
14 on such innocent purchasers by owners who have failed to reveal
15 the illegal use of the property being conveyed or who have made
16 misrepresentations in that regard, the General Assembly finds
17 and declares that in cities of the first class, cities of the
18 second class and in cities of the [third class] second class A,
19 cities of the third class, boroughs, towns, townships of the
20 first class and townships of the second class adopting the
21 provisions of this act, all sellers of property shall be
22 required to advise the purchaser of the legal use of such
23 property, and to deliver to the purchaser not later than at the
24 settlement held for such property a use registration permit
25 showing the legal use and zoning classification for such
26 property.

27 (c) In order to prevent undue hardship and losses imposed on
28 an innocent purchaser by an owner who has failed to disclose to
29 a prospective purchaser of property that a notice has been
30 received that such property is in violation of housing,

1 building, safety or fire ordinances or regulations, the General
2 Assembly finds and declares that all sellers of property shall
3 be required to advise purchasers of any notice received by the
4 owners of any violation of any housing, building, safety or fire
5 ordinance or regulation with respect to the property to be sold.

6 (d) The provisions of this act may apply to cities [of the
7 third class only if council so elects] of the second class A,
8 cities of the third class, boroughs, towns, townships of the
9 first class and townships of the second class only if the
10 governing bodies of such municipalities so elect.

11 Section 2. Definitions.--

12 * * *

13 (b) "Property" means any building or structure situate in
14 any city of the first class or situate in any city of the second
15 class, or situate in any [city of the third class] other
16 municipality eligible and electing to adopt the provisions of
17 this act, except buildings or structures used, designed or
18 intended to be used, exclusively, for single family or two-
19 family occupancy, churches or other places of religious worship,
20 except that for the purpose of certification or statements
21 regarding notices of housing, building, safety or fire
22 violations, the word "property" shall include all buildings or
23 structures.

24 * * *

25 Section 3. Certificates.--

26 (a) In any city of the first class, any city of the second
27 class or in [a city of the third class] any city of the second
28 class A, city of the third class, borough, town, township of the
29 first class or township of the second class which has adopted
30 the provisions of this act it shall be unlawful for any owner to

1 sell his property, or any interest therein, unless the owner
2 shall first deliver to the purchaser at or prior to the time for
3 settlement a certification of the District classification,
4 issued by the appropriate [city] municipal officer indicating
5 the zoning classification and the legality of the existing use
6 of the property to be sold.

7 (b) It shall be unlawful for an owner to sell his property,
8 or any interest therein, unless the owner shall first deliver to
9 the purchaser at or prior to the time for settlement a
10 certificate issued by the appropriate [city] municipal official
11 disclosing whether there exists any notice of an uncorrected
12 violation of the housing, building, safety or fire ordinances.

13 (C) THE MUNICIPALITY MAY CHARGE A FEE NOT TO EXCEED TEN <—
14 DOLLARS FOR THE ISSUANCE OF THE CERTIFICATE. THE CERTIFICATE
15 SHALL BE VALID FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS FROM DATE
16 OF ISSUANCE.

17 Section 4. Non-Conforming Uses.--

18 A certificate from the appropriate [city] municipal officer
19 certifying that the property has been approved or designated as
20 a non-conforming use shall be deemed compliance with this act.

21 Section 2. This act shall take effect immediately.