

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 538 Session of
1997

INTRODUCED BY BRIGHTBILL, PICCOLA, AFFLERBACH, SALVATORE,
ULIANA, WOZNIAK, MUSTO, O'PAKE, GERLACH, HECKLER, BELAN,
ROBBINS, MELLOW, RHOADES, THOMPSON, MADIGAN, JUBELIRER, DELP
AND HELFRICK, FEBRUARY 25, 1997

REFERRED TO URBAN AFFAIRS AND HOUSING, FEBRUARY 25, 1997

AN ACT

1 Amending the act of July 7, 1947 (P.L.1368, No.542), entitled,
2 as amended, "An act amending, revising and consolidating the
3 laws relating to delinquent county, city, except of the first
4 and second class and second class A, borough, town, township,
5 school district, except of the first class and school
6 districts within cities of the second class A, and
7 institution district taxes, providing when, how and upon what
8 property, and to what extent liens shall be allowed for such
9 taxes, the return and entering of claims therefor; the
10 collection and adjudication of such claims, sales of real
11 property, including seated and unseated lands, subject to the
12 lien of such tax claims; the disposition of the proceeds
13 thereof, including State taxes and municipal claims recovered
14 and the redemption of property; providing for the discharge
15 and divestiture by certain tax sales of all estates in
16 property and of mortgages and liens on such property, and the
17 proceedings therefor; creating a Tax Claim Bureau in each
18 county, except counties of the first and second class, to act
19 as agent for taxing districts; defining its powers and
20 duties, including sales of property, the management of
21 property taken in sequestration, and the management, sale and
22 disposition of property heretofore sold to the county
23 commissioners, taxing districts and trustees at tax sales;
24 providing a method for the service of process and notices;
25 imposing duties on taxing districts and their officers and on
26 tax collectors, and certain expenses on counties and for
27 their reimbursement by taxing districts; and repealing
28 existing laws," restricting the rights of certain persons to
29 purchase property subject to sale under this act; and
30 imposing additional powers and duties on local municipalities
31 and tax claim bureaus.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The act of July 7, 1947 (P.L.1368, No.542), known
3 as the Real Estate Tax Sale Law, is amended by adding a section
4 to read:

5 Section 619. Restrictions on Purchases.--(a) Deeds for any
6 property exposed for any sale under this act shall not be
7 exchanged any sooner than fifteen (15) days nor later than
8 thirty (30) days after any sale held under this act.

9 (b) A municipality may, within fifteen (15) days of any sale
10 held under this act, petition the court of common pleas to
11 prohibit the transfer of any deed for any property exposed for
12 any sale under this act which is located in that municipality to
13 any purchaser who is proven to meet any of the criteria set
14 forth in the municipality's petition.

15 (c) The petition of the municipality shall, at a minimum,
16 allege that the purchaser has over the last five years exhibited
17 a course of conduct which demonstrates that the purchaser:

18 (1) permits uncorrected housing code violations to continue
19 unabated after being convicted of those violations;

20 (2) fails to maintain the property owned by that purchaser
21 in a reasonable manner;

22 (3) permits the use of property in an unsafe or unsanitary
23 manner; or

24 (4) acts or has acted as an agent for a purchaser who seeks
25 to avoid the limitations placed on the purchase of property by
26 this act.

27 Allegations under this subsection shall be proved by a
28 preponderance of the evidence.

29 (d) A change of name or business status shall not defeat the
30 purpose of this section.

1 (e) As used in this section:

2 "Municipality," any county, city, borough, incorporated town,
3 township, home rule municipality, optional plan municipality,
4 optional charter municipality or any similar general purpose
5 unit of government which may be created or authorized by
6 statute.

7 "Purchaser," any individual, partner, shareholder, trust,
8 partnership, limited partnership, corporation, or any other
9 business association, or any trust, partnership, limited
10 partnership, corporation or any other business association that
11 has any individual as part of the business association who had
12 any ownership interest or rights in the property.

13 "Uncorrected housing code violations," any conviction of a
14 violation of the local housing code which is not remedied within
15 six (6) months of conviction.

16 Section 2. This act shall apply to all sales conducted on or
17 after the effective date of this act.

18 Section 3. This act shall take effect in 60 days.