

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 997 Session of
1999

INTRODUCED BY BRIGHTBILL, JUBELIRER, PICCOLA, EARLL, KITCHEN,
O'PAKE, HELFRICK, MADIGAN, HOLL, SALVATORE, COSTA, LEMMOND,
WHITE, CORMAN, GERLACH, THOMPSON AND SLOCUM, JUNE 3, 1999

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 8, 1999

AN ACT

1 Requiring purchasers of real estate with buildings thereon to
2 bring the buildings into compliance with municipal codes;
3 providing for nuisance abatement; and imposing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Municipal
8 Code and Ordinance Compliance Act.

9 Section 2. Definitions.

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

13 "Constructive knowledge." Knowledge of a violation listed on
14 the seller's property disclosure statement made pursuant to the
15 act of July 2, 1996 (P.L.500, No.84), known as the Real Estate
16 Seller Disclosure Act, a violation appearing on a buyer's
17 notification certificate provided by a municipality, or a
18 violation that is a matter of public record.

1 "DATE OF PURCHASE." THE CLOSING DATE, OR, IN CASES WHERE THE <—
2 PROPERTY IS SOLD PURSUANT TO THE ACT OF MAY 16, 1923 (P.L.207,
3 NO.153), REFERRED TO AS THE MUNICIPAL CLAIM AND TAX LIEN LAW,
4 THE FIRST DAY FOLLOWING THE RIGHT OF REDEMPTION PERIOD
5 AUTHORIZED UNDER THE MUNICIPAL CLAIM AND TAX LIEN LAW.

6 "Known to have." Knowledge of a violation based on actual or
7 constructive knowledge.

8 "Municipality." Any ~~county~~, city, borough, incorporated <—
9 town, township, home rule municipality, optional plan
10 municipality, optional charter municipality or any similar
11 general purpose unit of government which may be created or
12 authorized by statute.

13 "Substantial violation." A violation of a building, housing,
14 property maintenance or fire code which violation posed a threat
15 to health, safety or property, but not a violation of such a
16 code deemed by a court to be de minimis.

17 Section 3. Compliance requirement.

18 ~~(a) General rule. Any purchaser of any building, structure <—~~
19 ~~or part of a building or structure known to have substantial~~
20 ~~violations of municipal codes relating to building, housing,~~
21 ~~property maintenance or fire is required to bring the building,~~
22 ~~structure or that part of a building or structure into~~
23 ~~compliance with those codes or demolish the building or~~
24 ~~structure pending the approval of the municipality within 18~~
25 ~~months of the date of purchase or longer subject to an agreement~~
26 ~~between the purchaser and the municipality.~~

27 (A) GENERAL RULE.--WITHIN 18 MONTHS OF THE DATE OF PURCHASE <—
28 OR LONGER SUBJECT TO AN AGREEMENT BETWEEN THE PURCHASER AND THE
29 MUNICIPALITY, ANY PURCHASER OF ANY BUILDING, STRUCTURE OR PART
30 OF A BUILDING OR STRUCTURE KNOWN TO HAVE ONE OR MORE SUBSTANTIAL

1 VIOLATIONS OF MUNICIPAL CODES RELATING TO BUILDING, HOUSING,
2 PROPERTY MAINTENANCE OR FIRE SHALL:

3 (1) BRING THE BUILDING, STRUCTURE OR THAT PART OF A
4 BUILDING OR STRUCTURE INTO COMPLIANCE WITH THOSE CODES; OR

5 (2) WITH THE WRITTEN APPROVAL OF THE MUNICIPALITY,
6 DEMOLISH THE BUILDING OR STRUCTURE.

7 (b) Penalty.--Failure to comply with the requirements of
8 subsection (a) shall result in the purchaser being personally
9 liable for the costs of repairs or demolition and a fine of not
10 less than \$1,000 and not more than \$10,000. Fines shall be
11 remitted to the municipality in which the building, structure or
12 part of a building or structure is located. In municipalities
13 with low-income housing, not less than one third of the fine
14 imposed shall be used by the municipality for low-income housing
15 in a manner determined by the municipality.

16 (c) Nuisance ordinances.--

17 (1) Any purchaser of any lot or parcel of land known to
18 have ONE OR MORE substantial violations of municipal nuisance <—
19 ordinances relating to maintenance, health or safety is
20 required to make a reasonable attempt to abate the nuisance
21 within one year of the date of purchase.

22 (2) Failure to comply with the requirements of this
23 subsection shall result in the purchaser being personally
24 liable for the cost of maintenance and a fine of not less
25 than \$1,000 and not more than \$10,000. Fines shall be
26 remitted to the municipality in which the lot or parcel of
27 land is located.

28 (d) Enforcement.--Local municipalities are authorized to
29 enforce the provisions of this section.

30 Section 4. Effective date.

1 This act shall take effect in 60 days.