

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2190** Session of
2003

INTRODUCED BY ROSS, ARMSTRONG, BALDWIN, BARD, BARRAR, BUNT,
CAPPELLI, CORRIGAN, COY, CRAHALLA, CURRY, GODSHALL, HARPER,
HENNESSEY, KELLER, LEACH, LEVDANSKY, MUSTIO, O'NEILL, PETRI,
RUBLEY, SCAVELLO, SCHRODER, E. Z. TAYLOR, VANCE, WALKO,
WATSON, WEBER AND YOUNGBLOOD, NOVEMBER 24, 2003

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 4, 2004

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," further providing for
5 ~~real property~~. SALE OF REAL PROPERTY OWNED BY TOWNSHIP. ←

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 1503 of the act of May 1, 1933 (P.L.103,
9 No.69), known as The Second Class Township Code, reenacted and
10 amended November 9, 1995 (P.L.350, No.60) and amended February
11 21, 2002 (P.L.153, No.12), is amended to read:

12 Section 1503. Real Property.--(a) No real estate owned by
13 the township having a value in excess of fifteen hundred dollars
14 (\$1,500) may be sold except to the highest bidder after due
15 notice by advertisement for bids or advertisement of a public
16 auction in one newspaper of general circulation in the township.
17 The advertisement shall be published once not less than ten days

1 before the date set for the opening of bids or public auction,
2 and the date for opening bids or public auction shall be
3 announced in the advertisement. The award of contracts shall be
4 made only by public announcement at a regular or special meeting
5 of the board of supervisors or at the public auction. All bids
6 shall be accepted on the condition that payment of the purchase
7 price in full shall be made within sixty days of the acceptance
8 of bids.

9 (b) The board of supervisors may reject all bids if the bids
10 are deemed to be less than the fair market value of the
11 property. In the case of a public auction, the board of
12 supervisors may establish a minimum bid based on the fair market
13 value of the real property.

14 (c) The requirements of this section do not apply to
15 conveyances or leases of real property by a township to any
16 [municipal corporation, the Federal Government, the
17 Commonwealth, or any institution district, school district,
18 municipality authority, county, public utility, volunteer fire
19 company, nonprofit corporation engaged in community industrial,
20 commercial or affordable housing development, volunteer
21 ambulance service or volunteer rescue squad located within the
22 township, nonprofit corporation organized as a public library,
23 nonprofit medical service corporation, nonprofit housing
24 corporation, nonprofit organizations providing community service
25 or development activities or nonprofit corporation established
26 for the preservation of historical, architectural or aesthetic
27 sites or artifacts. Such conveyances or leases shall be at the
28 sole discretion of the township.] of the following:

29 (1) A municipal corporation.

30 (2) The Federal Government.

- 1 (3) The Commonwealth
- 2 (4) An institution district.
- 3 (5) A school district.
- 4 (6) A municipality authority.
- 5 (7) A county.
- 6 (8) A public utility.
- 7 (9) A volunteer fire company.
- 8 (10) A nonprofit corporation engaged in community
9 industrial, commercial or affordable housing development.
- 10 (11) A volunteer ambulance service or volunteer rescue squad
11 located within the township.
- 12 (12) A nonprofit corporation organized as a public library.
- 13 (13) A nonprofit medical service corporation.
- 14 (14) A nonprofit housing corporation.
- 15 (15) ~~Nonprofit organizations~~ A NONPROFIT ORGANIZATION <—
16 providing community service or development activities.
- 17 (16) A nonprofit corporation established for the
18 preservation of historical, architectural or aesthetic sites or
19 artifacts.
- 20 (17) ~~Nonprofit associations or corporations~~ A NONPROFIT <—
21 ASSOCIATION OR NONPROFIT CORPORATION organized to acquire and
22 maintain real property for the preservation, conservation and
23 stewardship of open space.
- 24 Such conveyances or leases shall be at the sole discretion of
25 the township.

26 (d) When real property is sold to a nonprofit corporation
27 organized as a public library or to a nonprofit medical service
28 corporation, nonprofit housing corporation, volunteer fire
29 company, volunteer ambulance service or volunteer rescue squad,
30 the board of supervisors may elect to accept any nominal

1 consideration for the property as it believes appropriate. Real
2 property sold under this subsection is subject to the condition
3 that when the property is not used for the purposes of the
4 corporation or volunteer fire company, the property reverts to
5 the township.

6 (e) No real estate may be purchased by a township unless the
7 board of supervisors obtains at least one appraisal on the real
8 property in question by a person authorized to perform an
9 appraisal on the subject property under the act of July 10, 1990
10 (P.L.404, No.98), known as the "Real Estate Appraisers
11 Certification Act," and the township supervisors may require
12 that an environmental impact statement be prepared, indicating
13 the potential liability of the township for any environmental
14 problems associated with the real estate to be purchased. The
15 person making the appraisal shall not be interested directly or
16 indirectly in any aspect of the sale of the real estate. The
17 price paid by the board of supervisors for the purchase of the
18 real estate shall not exceed the price established by the
19 appraisal: Provided, however, That if more than one appraisal is
20 obtained, the price paid by the board of supervisors shall not
21 exceed the average of the appraisals.

22 (f) When real property has been dedicated, deeded or devised
23 to a township to be used for a designated purpose and the real
24 property is accepted and used for that purpose, or the real
25 property is not used for the purpose designated for a period of
26 ten years or more, and the township supervisors determine that
27 it is not possible or not desirable for the best interest of the
28 township to use the real property for the purpose designated,
29 the township supervisors, with the prior approval of the court
30 of common pleas, may by ordinance reconvey to the original

1 owners or their successors, heirs or assigns, or otherwise
2 dispose of, the real property free and clear of any public
3 right.

4 Section 2. This act shall take effect in 60 days.