
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2188 Session of
2008

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LENTZ, PAYTON, WAGNER AND MOYER, JANUARY 23, 2008

AS AMENDED ON SECOND CONSIDERATION, IN SENATE,
SEPTEMBER 17, 2008

AN ACT

1 Providing for court-appointed conservators to bring residential,
2 commercial and industrial buildings into municipal code
3 compliance when owners fail to comply.

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 Abandoned and
8 Blighted Property Conservatorship Act.

9 Section 2. Legislative findings and purpose.

10 The General Assembly finds and declares that:

11 (1) Pennsylvanian's older communities are important to
12 the Commonwealth's economic health by providing a focal point
13 for businesses and services and to this Commonwealth's
14 quality of life with its rich histories and diverse
15 communities. However, many older communities suffer from

1 blighted properties that have been abandoned by their owners.

2 (2) Many citizens of this Commonwealth are adversely
3 affected by abandoned and blighted residential, commercial
4 and industrial properties, including those citizens who live
5 in proximity to such substandard buildings as well as those
6 who own property in the vicinity of such buildings.

7 (3) Substandard, deteriorating and abandoned
8 residential, commercial and industrial structures are a
9 public safety threat and nuisance and their blighting effect
10 diminishes property values in the communities in which these
11 properties are located.

12 (4) If these buildings are not rehabilitated, they are
13 likely to remain abandoned and further deteriorate, resulting
14 in increased costs to the Commonwealth, municipality and
15 taxpayers to secure and ultimately demolish them.

16 (5) Providing a mechanism to transform abandoned and
17 blighted buildings into productive reuse is an opportunity
18 for communities to modernize, revitalize and grow and to
19 improve the quality of life for neighbors who are already
20 there.

21 (6) If the owner of a residential, commercial or
22 industrial building fails to maintain the property in
23 accordance with applicable municipal codes or standards of
24 public welfare or safety, it is in the best interests of the
25 Commonwealth, the municipality and the community for the
26 court, pursuant to the provisions of this act, to appoint a
27 conservator to make the necessary improvements before the
28 building deteriorates further and necessitates demolition,
29 resulting in the removal of the building from the housing
30 supply or prohibiting future productive economic use.

1 Section 3. Definitions.

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

5 "ACTIVELY MARKETED." A "FOR SALE" SIGN HAS BEEN PLACED ON <—
6 THE PROPERTY WITH ACCURATE CONTACT INFORMATION AND THE OWNER HAS
7 DONE AT LEAST ONE OF THE FOLLOWING:

8 (1) ENGAGED THE SERVICES OF A LICENSEE UNDER THE ACT OF
9 FEBRUARY 19, 1980 (P.L.15, NO.9), KNOWN AS THE REAL ESTATE
10 LICENSING AND REGISTRATION ACT, TO PLACE THE PROPERTY IN A
11 MULTIPLE LISTING SERVICE OR OTHERWISE MARKET THE PROPERTY;

12 (2) PLACED WEEKLY OR MORE FREQUENT ADVERTISEMENTS IN
13 PRINT OR ELECTRONIC MEDIA; OR

14 (3) DISTRIBUTED PRINTED ADVERTISEMENTS.

15 "Building." A residential, commercial or industrial building
16 or structure and the land appurtenant thereto.

17 "Code." A building, housing, property maintenance, fire,
18 health or other public safety ordinance enacted by a
19 municipality.

20 "Competent entity." A person or entity, including a
21 governmental unit with experience in the rehabilitation of
22 residential, commercial or industrial buildings and the ability
23 to provide or obtain the necessary financing for such
24 rehabilitation.

25 "Costs of rehabilitation." Costs and expenses for
26 construction, stabilization, rehabilitation, maintenance and
27 operation or demolition, including reasonable nonconstruction
28 costs associated with the project, including, but not limited
29 to, environmental remediation, architectural, engineering and
30 legal fees, permits, financing fees and a developer's fee

1 consistent with the standards for developers' fees established
2 by the Pennsylvania Housing Finance Agency.

3 "Court." The appropriate court of common pleas.

4 "Historic property." A property which is listed on the
5 National Register of Historic Places or is a contributing
6 property in a national register historic district or is located
7 in a local government ordinance historic district.

8 "Immediate family." A parent, spouse, child, brother or
9 sister.

10 "Nonprofit corporation." A nonprofit corporation that has as
11 one of its purposes community development activities, including
12 economic development, historic preservation or the promotion or
13 enhancement of affordable housing opportunities.

14 "Owner." The holder or holders of title to, or of a legal or
15 equitable interest in, a residential, commercial or industrial
16 building. The term shall include an heir, assignee, trustee,
17 beneficiary and lessee provided the ownership interest is a
18 matter of public record.

19 "Party in interest." A person or entity who has a direct and
20 immediate interest in a residential, commercial or industrial
21 building, including:

22 (1) The owner.

23 (2) A lienholder and other secured creditor of the
24 owner.

25 (3) A resident or business owner within 500 feet of the
26 building.

27 (4) A nonprofit corporation within the municipality
28 where the building is located, including a redevelopment
29 authority.

30 (5) A municipality or school district in which the

1 building in located.

2 "Public nuisance." A property that, because of physical
3 condition or use, has been declared BY THE APPROPRIATE OFFICIAL <—
4 a public nuisance in accordance with the local housing,
5 building, health, fire or related code or is determined to be a
6 public nuisance by the court.

7 "SUBSTANTIAL REHABILITATION." REPAIRS TO THE BUILDING WHERE: <—

8 (1) THE COST OF REPAIRS, REPLACEMENTS AND IMPROVEMENTS
9 EXCEEDS 15% OF THE PROPERTY'S VALUE AFTER COMPLETION OF ALL
10 REPAIRS, REPLACEMENTS AND IMPROVEMENTS; OR

11 (2) MORE THAN ONE MAJOR BUILDING COMPONENT IS BEING
12 REPLACED. MAJOR BUILDING COMPONENTS INCLUDE:

- 13 (I) ROOF STRUCTURES;
- 14 (II) CEILINGS;
- 15 (III) WALL OR FLOOR STRUCTURES;
- 16 (IV) FOUNDATIONS;
- 17 (V) PLUMBING SYSTEMS;
- 18 (VI) HEATING AND AIR CONDITIONING SYSTEMS; AND
- 19 (VII) ELECTRICAL SYSTEMS.

20 Section 4. Initiation of action.

21 (a) Filing of petition.--A petition for the appointment of a
22 conservator to take possession and to undertake the
23 rehabilitation of a building may be filed by a party in interest
24 in a court in the county in which the building is located. The
25 proceeding on the petition shall constitute an action in rem.

26 (b) Contents.--The petition submitted to the court shall
27 ~~include a concise statement of the reasons a conservator should~~ <—
28 ~~be appointed~~ INCLUDE A SWORN STATEMENT THAT, TO THE BEST OF THE <—
29 PETITIONER'S KNOWLEDGE, THE PROPERTY MEETS THE CONDITIONS FOR
30 CONSERVATORSHIP SET FORTH IN SECTION 5(D) and, to the extent

1 available to the petitioner AFTER REASONABLE EFFORTS TO OBTAIN <—
2 SUCH INFORMATION:

3 (1) A copy of any citation charging the owner with being
4 in violation of municipal code requirements or declaring the
5 building to be a public nuisance.

6 (2) A recommendation as to which person or entity should
7 be appointed conservator.

8 (3) A preliminary plan with initial cost estimates for
9 rehabilitation of the building to bring it into compliance
10 with all municipal codes and duly adopted plans for the area
11 in which the building is located and anticipated funding
12 sources.

13 (c) Notice of lis pendens.--The petitioner shall file a
14 notice of lis pendens in the office of the recorder of deeds for
15 the county in which the property is located.

16 (d) Notification of owner, political subdivisions and
17 lienholders.--

18 (1) Upon filing the petition with the court, the
19 petitioner shall notify the current owner of the property,
20 all political subdivisions in which the property is located
21 and all lienholders of the filing by registered or certified
22 mail to the last known address of each and by posting a copy
23 of the notice on the building.

24 (2) In the event the registered or certified mail is
25 returned with notation by the postal authorities that the
26 recipient refused to accept the mail, the petitioner may mail
27 a copy to the recipient at the same address by ordinary mail
28 with the return address of the petitioner appearing thereon.

29 (3) Service by ordinary mail shall be presumed complete
30 if the mail is not returned to the petitioner within 15 30 <—

1 days after mailing.

2 (4) In the event the registered or certified mail is
3 returned with the notation by the postal authorities that it
4 was unclaimed, the notice shall be personally served.

5 (5) In the event that the personal service is not able
6 to be made after two such attempts, then the petitioner shall
7 mail the petition to the recipient at the same address by
8 ordinary mail with the return address of the petitioner
9 appearing thereon with service by ordinary mail deemed
10 complete if the mail is not returned to the petitioner within
11 15 days after the mailing.

12 (6) The petitioner shall also notify the owner and each
13 lienholder of the hearing date and provide notice that the
14 owner and lienholders may petition to intervene in the
15 action.

16 Section 5. Appointment of conservator.

17 (a) General rule.--The court shall act upon a petition
18 submitted by holding a hearing within 120 days of receipt of the
19 petition and rendering a decision no later than 30 days after
20 completion of the hearing.

21 (b) Intervention.--~~Subject to the court's discretion,~~ a A ←
22 party in interest may intervene in the proceeding and be heard
23 with respect to the petition, the requested relief or any other
24 matter which may come before the court in connection with the
25 proceeding.

26 (c) Hearing.--At the hearing, any party in interest shall be
27 permitted to present evidence to support or contest the
28 petition.

29 (d) Conditions for conservatorship.--If a petition is filed
30 under section 4, the court may appoint a conservator if all of

1 the following apply:

2 (1) The building has not been legally occupied for at
3 least the previous 12 months.

4 (2) The building has not been actively marketed during
5 the 60 days prior to the date of the petition.

6 (3) The building is not subject to an existing
7 foreclosure action.

8 (4) The current owner fails to present sufficient
9 evidence that he has acquired the property within the
10 preceding six months. The evidence shall not include
11 instances where the prior owner is a member of the immediate
12 family of the current owner, unless the transfer of title
13 results from the death of the prior owner, or where the
14 current or prior owner is a corporation, partnership or other
15 entity in which either owner or the immediate family of
16 either owner has an interest in excess of 5%.

17 (5) The court finds at least three of the following:

18 (i) The building or physical structure is a public
19 nuisance.

20 (ii) The building is in need of substantial
21 rehabilitation and no rehabilitation has taken place
22 during the previous 12 months.

23 (iii) The building is unfit for human habitation,
24 occupancy or use.

25 (iv) The condition and vacancy of the building
26 materially increase the risk of fire to the building and
27 to adjacent properties.

28 (v) The building is subject to unauthorized entry
29 leading to potential health and safety hazards and one of
30 the following applies:

1 (A) The owner has failed to take reasonable and
2 necessary measures to secure the building.

3 (B) The municipality has secured the building in
4 order to prevent such hazards after the owner has
5 failed to do so.

6 (vi) The property is an attractive nuisance to
7 children, including, but not limited to, the presence of
8 abandoned wells, shafts, basements, excavations and
9 unsafe structures.

10 (vii) The presence of vermin or the accumulation of
11 debris, uncut vegetation or physical deterioration of the
12 structure or grounds has created potential health and
13 safety hazards and the owner has failed to take
14 reasonable and necessary measures to remove the hazards.

15 (viii) The dilapidated appearance or other condition
16 of the building negatively affects the economic well-
17 being of residents and businesses in close proximity to
18 the building, including decreases in property value and
19 loss of business, and the owner has failed to take
20 reasonable and necessary measures to remedy appearance or
21 the condition.

22 (ix) The property is an attractive nuisance for
23 illicit purposes, including, prostitution, drug use and
24 vagrancy.

25 (e) Appointment.--

26 (1) If the court determines after a hearing that the
27 property has met the conditions of subsection (d), the court
28 may appoint a conservator and grant such other relief as may
29 be just and appropriate.

30 (2) The court shall give first consideration for

1 appointment as conservator to the senior lienholder on the
2 property.

3 (3) In the event the senior lienholder is found to be
4 not competent or declines the appointment, the court may
5 appoint a nonprofit corporation or other competent entity. In
6 appointing a conservator, the court shall:

7 (i) consider any recommendations contained in the
8 petition or otherwise presented by a party in interest;
9 and

10 (ii) give preference to the appointment of a
11 nonprofit corporation or governmental unit over an
12 individual.

13 (f) Conditional relief.--

14 (1) If the court finds after a hearing that the
15 conditions for conservatorship set forth in subsection (d)
16 have been established, but the owner represents that the
17 violations or nuisance or emergency condition will be abated
18 in a reasonable period, the court may allow the owner to
19 proceed to remedy the conditions.

20 (2) If the conditions set forth in paragraph (1) have
21 been satisfied, the court shall enter an order providing
22 that, in the event that the violations or nuisance or
23 emergency conditions are not abated by the owner by a
24 specific date or that other specified remedial activities
25 have not occurred by a specific date or dates, an order
26 granting the relief requested in the petition shall be
27 entered.

28 (3) The court may also require the owner to post a bond
29 in the amount of the repair costs estimated in the petition
30 as a condition to retaining possession of the building.

1 (g) Conservator's lien.--The conservator may file a lien
2 against the property in an amount based on the costs incurred
3 during the conservatorship. The lien amount may be adjusted from
4 time to time.

5 (h) Immediate possession.--The conservator shall promptly
6 take possession of the building and other property subject to
7 the conservatorship and shall immediately be authorized to
8 exercise all powers of this act.

9 (i) Removal by court.--A conservator may be removed by the
10 court at any time upon the request of the conservator or upon a
11 showing by a party to the action that the conservator is not
12 carrying out its responsibilities under this act.

13 Section 6. Powers and duties of conservator.

14 (a) Full powers and duties.--The conservator shall have all
15 powers and duties necessary or desirable, from time to time, for
16 the efficient operation, management and improvement of the
17 building in order to bring it into compliance with all municipal
18 building and housing code requirements and to fulfill the
19 conservator's responsibilities under this act. Such powers and
20 duties shall include, but not be limited to, the power to:

21 (1) Take possession and control of the building,
22 appurtenant land and any personal property of the owner used
23 with respect to the building, including any bank or operating
24 account for the building.

25 (2) Collect outstanding accounts receivable.

26 (3) Pursue all claims or causes of action of the owner
27 with respect to the building and all other property subject
28 to the conservator.

29 (4) Contract for the repair and maintenance of the
30 building. The contracts shall be appropriately documented and

1 included in the reports and accounting which the conservator
2 is required to submit or file under the provisions of this
3 act.

4 (5) Borrow money and incur credit in accordance with
5 section 8.

6 (6) Contract and pay for the maintenance and restoration
7 of utilities to the building.

8 (7) Purchase materials, goods and supplies to accomplish
9 repairs and operate the building.

10 (8) With the court's approval, enter into new rental
11 contracts and leases for a period not to exceed one year.

12 (9) Affirm, renew or enter into contracts providing for
13 insurance coverage on the building.

14 (10) Engage and pay legal, accounting, appraisal and
15 other professionals to aid the conservator in the conduct of
16 the conservatorship.

17 (11) When the building has been designated a historic
18 property, consult with the municipality's historical
19 commission or board of historical and architectural review, a
20 local historic preservation organization or, in the absence
21 thereof, the Pennsylvania Historical and Museum Commission
22 for recommendations on preserving the property's historic
23 character.

24 (12) Apply for and receive public grants or loans.

25 (13) Sell the building in accordance with section 9.

26 (14) Exercise all authority that an owner of the
27 building would have to improve, maintain and otherwise manage
28 the building.

29 (b) Affirmative duty.--While in possession of the building,
30 the conservator shall:

- 1 (1) Maintain, safeguard and insure the building.
- 2 (2) Apply all revenue generated from the building
3 consistent with the provisions of this act.
- 4 (3) (i) Develop a final plan for abatement of the
5 conditions which caused the petition to be granted or, if
6 no such feasible final plan can be developed, to develop
7 alternatives, including the closing, sealing or
8 demolition of all or part of the building.
- 9 (ii) When the building has been designated a
10 historic property, rehabilitate architectural features
11 that define the property's historic character.
- 12 (iii) When demolition of a property in a historic
13 district is necessary, design any replacement
14 construction on the site to comply with applicable
15 standards under current law.
- 16 (4) Implement the final plan referred to in paragraph
17 (3) upon approval by the court.
- 18 (5) Submit a status report to the court and parties to
19 the action annually or more frequently as the court may deem
20 appropriate. The status report shall include:
- 21 (i) A copy of any contract entered into by the
22 conservator regarding the improvement of the building.
- 23 (ii) An account of the disposition of all revenue
24 generated from the building.
- 25 (iii) An account of all expenses and improvements.
- 26 (iv) The status of developing and implementing the
27 final plan pursuant to this subsection.
- 28 (v) A description of any proposed actions to be
29 taken in the next six months to improve the building.
- 30 (c) Hearing on conservator's final plan for abatement.--

1 (1) At the time the court appoints a conservator, a
2 hearing date on the conservator's final plan for abatement
3 shall be set within 120 days of the appointment.

4 (2) Thirty days prior to the date of the hearing, the
5 conservator shall submit the plan to the court and to all
6 parties to the action.

7 (3) The plan shall include a cost estimate, a financing
8 plan and either a description of the work to be done for the
9 rehabilitation of the building or, if rehabilitation is not
10 feasible, a proposal for the closing, sealing or demolition
11 of the building.

12 (4) The plan shall conform with all existing municipal
13 codes, duly adopted plans for the area and historic
14 preservation requirements.

15 (5) At the time of the hearing, all parties shall be
16 allowed to comment on the plan, and the court shall take all
17 comments into consideration when assessing the feasibility of
18 the plan and the proposed financing.

19 (6) Within 15 days of the hearing, the court shall issue
20 a decision approving the plan or requiring that the plan be
21 amended.

22 (7) If the court decision requires that the plan be
23 amended, a hearing date shall be set within 60 days from the
24 date of the decision.

25 (d) Accounting.--Upon the implementation of the final plan
26 approved by the court, the conservator shall file with the court
27 a full accounting of all income and expenditures during the
28 period of time it took to implement the final plan.

29 Section 7. Ownership of property.

30 (a) Ownership interest of conservator.--A conservator

1 appointed under section 5 shall be deemed to have an ownership
2 interest in and legal control of the property for the purposes
3 of filing plans with public agencies and boards, seeking and
4 obtaining construction permits and other approvals and
5 submitting applications for financing or other assistance to
6 public or private entities.

7 (b) Liability of owner.--Notwithstanding the appointment of
8 a conservator under section 5, nothing in this act shall be
9 construed to relieve the owner of any civil or criminal
10 liability or of any obligation to pay taxes, municipal liens and
11 charges, mortgages, private liens or other fees or charges,
12 whether incurred before or after the appointment of the
13 conservator and no such liability shall transfer to the
14 conservator.

15 (c) Limitation of conservator's environmental liability.--

16 (1) Notwithstanding any law to the contrary, the
17 conservator shall not be held liable for any environmental
18 damage to the building or the real property upon which the
19 building is located that existed prior to the appointment by
20 the court of the conservator.

21 (2) Paragraph (1) does not apply to the owner or any
22 other person or entity regarding the building and its real
23 property that is subject to an appointed conservator under
24 this act.

25 Section 8. Incurring indebtedness.

26 (a) Borrowing.--From time to time a conservator may borrow
27 money or incur indebtedness in order to cover the costs of
28 rehabilitation or to otherwise fulfill the conservator's
29 obligations under this act.

30 (b) Liens.--In order to facilitate the borrowing of funds

1 for the costs of rehabilitation, the court may grant a lien or
2 security interest with priority over all other liens with the
3 exception of municipal or other governmental liens, provided,
4 however, that prior to granting a priority lien, the court has
5 found that:

6 (1) The conservator sought to obtain the necessary
7 financing from the senior lienholder, but the lienholder
8 declined to provide financing for reasonable improvements or
9 other costs of rehabilitation on reasonable terms.

10 (2) Lien priority is necessary in order to induce
11 another lender to provide financing on reasonable terms.

12 (c) Lien status of rehabilitation expenses.--Should the
13 senior lienholder agree to provide financing for the costs of
14 rehabilitation, any funds lent to cover the costs shall be
15 deemed to be added to the senior lienholder's preexisting first
16 lien.

17 (d) Approval of financing.--The court may approve financing
18 for the costs of rehabilitation, the terms of which may include
19 deferred repayment and use restrictions. The terms of the
20 financing may remain with the property after the conservatorship
21 has ended and be assumed by any of the following:

22 (1) The owner, if the owner regains possession of the
23 property under section 10(2).

24 (2) The buyer who takes title under section 9.
25 Section 9. Sale of property.

26 (a) Sale by owner or lienholder.--If a property subject to
27 conservatorship is sold by the owner or foreclosed upon by a
28 lienholder or if any interest therein is transferred, such sale,
29 foreclosure or transfer shall be subject to the conservatorship.

30 (b) Sale by conservator.--Upon application of the

1 conservator, the court may order the sale of the property if the
2 court finds that:

3 (1) Notice and an opportunity to provide comment to the
4 court was given to each record owner of the property and each
5 lienholder.

6 (2) The conservator has been in control of the building
7 for more than six months and the owner has not successfully
8 petitioned to terminate the conservatorship under section 10.

9 (3) The terms and conditions of the sale are acceptable
10 to the court, and the buyer has a reasonable likelihood of
11 maintaining the property.

12 (c) Sale free and clear.--

13 (1) The court may authorize the conservator to sell the
14 building free and clear of all liens, claims and
15 encumbrances, provided that the proceeds of the sale are
16 distributed pursuant to subsection (d) at settlement.

17 (2) In the event that the proceeds of the sale are
18 insufficient to pay all existing liens, claims and
19 encumbrances, the proceeds shall be distributed according to
20 the priorities set forth in subsection (d) and all unpaid
21 liens, claims or encumbrances which have not been assumed
22 under section 8(d) shall be extinguished.

23 (d) Distribution.--The proceeds of the sale shall be applied
24 in accordance with the following priorities to:

25 (1) All court costs.

26 (2) Municipal or other governmental liens.

27 (3) Costs and expenses of sale.

28 (4) Principal and interest on any borrowing or
29 incurrence of indebtedness granted priority over existing
30 liens and security interest under section 8(b).

1 (5) Costs of rehabilitation and any fees and expenses
2 incurred by the conservator in connection with the sale or
3 the safeguarding of the property for which the lien
4 authorized under section (5)(g) was filed.

5 (6) Valid liens and security interests in accordance
6 with their priority.

7 (7) Any unpaid obligations of the conservator.

8 (8) Costs incurred by the petitioner in requesting the
9 court to place the property in conservatorship.

10 (9) The owner.

11 (e) Owner's proceeds as unclaimed property.--In the event
12 the owner cannot be located, any proceeds from the sale which
13 belong to the owner shall be presumed to be abandoned and
14 unclaimed and shall be subject to the custody and control of the
15 Commonwealth pursuant to Article XIII.1 of the act of April 9,
16 1929 (P.L.343, No.176), known as The Fiscal Code.

17 Section 10. Termination of conservatorship.

18 Upon request of a party in interest or the conservator, the
19 court may order the termination of the conservatorship if it
20 determines:

21 (1) the conditions that were the grounds for the
22 petition and all other code violations have been abated or
23 corrected, the obligations, expenses and improvements of the
24 conservatorship, including all fees and expenses of the
25 conservator, have been fully paid or provided for and the
26 purposes of the conservatorship have been fulfilled;

27 (2) the owner, mortgagee or lienholder has requested the
28 conservatorship be terminated and has provided adequate
29 assurances to the court that the conditions that constituted
30 grounds for the petition will be promptly abated, all

1 obligations, expenses and improvements of the
2 conservatorship, including all fees and expenses of the
3 conservator, have been fully paid or provided for and the
4 purposes of the conservatorship have been fulfilled;

5 (3) the building has been sold by the conservator and
6 the proceeds distributed in accordance with section 9(d); or

7 (4) the conservator has been unable after diligent
8 effort to present a plan that could be approved under section
9 6(b)(3) or implement a previously approved plan or, for any
10 reason, the purposes of the conservatorship cannot be
11 fulfilled.

12 Section 11. Applicability.

13 (a) General inapplicability.--This act shall not apply to
14 commercial and residential buildings, structures or land owned
15 by or held in trust for the Federal Government and regulated
16 under the United States Housing Act of 1937 (Public Law 75-412,
17 50 Stat. 888, 42 U.S.C. § 1437 et seq.) and regulations
18 promulgated under that act.

19 (b) Inapplicability to service members.--This act shall not
20 apply if the property owner has vacated the property in order to
21 perform military service in time of war ~~or armed conflict~~, ARMED <—
22 CONFLICT OR IN ORDER TO ASSIST WITH RELIEF EFFORTS DURING A
23 DECLARED FEDERAL OR STATE EMERGENCY as a member of the United
24 States Armed Forces or its reserve component.

25 Section 20. Effective date.

26 This act shall take effect in 90 days.