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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1396** Session of  
2008

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INTRODUCED BY RHOADES, PIPPY, ERICKSON, PILEGGI, KASUNIC AND  
COSTA, MAY 7, 2008

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REFERRED TO URBAN AFFAIRS AND HOUSING, MAY 7, 2008

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AN ACT

1 Amending the act of May 24, 1945 (P.L.991, No.385), entitled "An  
2 act to promote elimination of blighted areas and supply  
3 sanitary housing in areas throughout the Commonwealth; by  
4 declaring acquisition, sound replanning and redevelopment of  
5 such areas to be for the promotion of health, safety,  
6 convenience and welfare; creating public bodies corporate and  
7 politic to be known as Redevelopment Authorities; authorizing  
8 them to engage in the elimination of blighted areas and to  
9 plan and contract with private, corporate or governmental  
10 redevelopers for their redevelopment; providing for the  
11 organization of such authorities; defining and providing for  
12 the exercise of their powers and duties, including the  
13 acquisition of property by purchase, gift or eminent domain;  
14 the leasing and selling of property, including borrowing  
15 money, issuing bonds and other obligations, and giving  
16 security therefor; restricting the interest of members and  
17 employes of authorities; providing for notice and hearing;  
18 supplying certain mandatory provisions to be inserted in  
19 contracts with redevelopers; prescribing the remedies of  
20 obligees of redevelopment authorities; conferring certain  
21 duties upon local planning commissions, the governing bodies  
22 of cities and counties, and on certain State officers, boards  
23 and departments," further providing for definitions, for  
24 powers of an authority and for blighted property removal.

25 The General Assembly of the Commonwealth of Pennsylvania  
26 hereby enacts as follows:

27 Section 1. Section 3(e) and (m) of the act of May 24, 1945  
28 (P.L.991, No.385), known as the Urban Redevelopment Law, amended

1 June 26, 1968 (P.L.263, No.125), are amended to read:

2 Section 3. Definitions.--The following terms where used in  
3 this act, shall have the following meanings, except where the  
4 context clearly indicates a different meaning.

5 \* \* \*

6 (e) "Field of Operation."--The area within the territorial  
7 boundaries of the city or county for which a particular  
8 Authority is created: Provided, however, That the field of  
9 operation of any county authority shall not include a city  
10 having a redevelopment authority but may include, with the  
11 consent of any such city, parcels of land within the city limits  
12 which are necessary to the corporate purposes of the county  
13 authority or necessary to its successful redevelopment of a  
14 redevelopment area: And, provided further, That the field of  
15 operation of any authority may include parcels of land outside  
16 the territorial boundaries of the city or county, as the case  
17 may be, which are necessary to the corporate purposes of the  
18 authority [or], necessary to the successful redevelopment of a  
19 redevelopment area, or the holding, clearing, managing or  
20 disposing of blighted property in accordance with section 12.1,  
21 with the consent of the governing body of the city or county and  
22 the municipality in which the said parcels are situated, as the  
23 case may be: Provided, however, That, except for the holding,  
24 clearing, managing or disposing of blighted property in  
25 accordance with section 12.1, the field of operation of any  
26 Authority shall not include parcels of land outside the  
27 territorial boundaries of a county unless acquisition thereof  
28 has been approved by a majority of the electors voting in a  
29 primary or general election in the municipality in which said  
30 parcels are situated.

1 \* \* \*

2 (m) "Redevelopment."--Undertakings and activities for the  
3 elimination of blighted areas. Such undertakings and activities  
4 may include the planning, replanning, acquisition,  
5 rehabilitation, conservation, renewal, improvement, clearance,  
6 sale, lease or other disposition of real property, buildings or  
7 other improvements in blighted areas, or portions thereof[,];  
8 the relocation of businesses and families affected thereby into  
9 or outside of a redevelopment area[, or]; any combination of  
10 [such] the foregoing undertakings and activities[,]; the  
11 installation, construction or reconstruction of streets,  
12 utilities, parks, playgrounds and other improvements necessary  
13 for carrying out in the blighted area the objectives of this act  
14 in accordance with the redevelopment area plan, and carrying out  
15 plans for a program of voluntary repair, rehabilitation, and  
16 conservation of real property, buildings or other improvements  
17 in accordance with the redevelopment area plan; and the holding,  
18 clearing, managing or disposing of blighted properties in  
19 accordance with section 12.1.

20 \* \* \*

21 Section 2. Section 9 of the act is amended by adding a  
22 subsection to read:

23 Section 9. Powers of an Authority.--An Authority shall  
24 constitute a public body, corporate and politic, exercising  
25 public powers of the Commonwealth as an agency thereof, which  
26 powers shall include all powers necessary or appropriate to  
27 carry out and effectuate the purposes and provisions of this  
28 act, including the following powers in addition to those herein  
29 otherwise granted:

30 \* \* \*

1        (cc) To contract to provide redevelopment services to a  
2 municipality that is located in a county that is contiguous to a  
3 county for which a particular authority has been created;  
4 Provided, however, That the municipality is within a county  
5 authority's field of operations.

6        Section 3. Section 12.1(b), (e) and (f) of the act, amended  
7 October 2, 2002 (P.L.796, No.113), are amended to read:

8        Section 12.1. Blighted Property Removal.--

9        \* \* \*

10       (b) Such power on the part of any Redevelopment Authority  
11 shall be conditioned upon the creation or existence of a  
12 blighted property review committee by ordinance of the governing  
13 body of the [municipality] city or county within which the  
14 property is located. The committee shall be made up of members  
15 as determined in the said ordinance, but shall include at least  
16 one member of the governing body, a representative of the  
17 Redevelopment Authority, a representative of the appropriate  
18 planning commission, and a representative to be designated by  
19 the chief executive officer or officers from the executive  
20 branch of the government of the [municipality] city or county.

21       \* \* \*

22       (e) The blighted property review committee and the  
23 appropriate planning commission, upon making a determination  
24 that any property is blighted within the terms of this section,  
25 must certify said blighted property to the Redevelopment  
26 Authority, except that:

27       (1) No property shall be certified to the Redevelopment  
28 Authority unless it is vacant or nonowner occupied.

29       (1.1) A property shall be considered vacant if:

30       (i) the property is unoccupied or its occupancy has not been

1 authorized by the owner of the property;

2 (ii) in the case of an unimproved lot or parcel of ground, a  
3 lien for the cost of demolition of any structure located on the  
4 property remains unpaid for a period of six months; or

5 (iii) in the case of an unimproved lot or parcel of ground,  
6 the property has remained in violation of any provision of local  
7 building, property maintenance or related codes applicable to  
8 such lots or parcels, including licensing requirements, for a  
9 period of six months.

10 (1.2) A property shall be considered nonowner occupied if no  
11 portion of it is occupied by an owner of the property.

12 (2) No property shall be certified to the Redevelopment  
13 Authority unless the owner of the property or an agent  
14 designated by him for receipt of service of notices within the  
15 municipality [has] and the nonowner occupants, if any, have been  
16 served with notice of the determination that the property is  
17 blighted, together with an appropriate order to the owner or his  
18 agent to eliminate the conditions causing the blight and  
19 notification that failure to do so may render the property  
20 subject to condemnation under this act. The notice shall be  
21 served upon the owner or his agent and upon the nonowner  
22 occupants, if any, in accord with the provisions of a local  
23 ordinance pertaining to service of notice of determination of a  
24 public nuisance. The owner or his agent shall have the right of  
25 appeal from the determination in the same manner as an appeal  
26 from the determination of public nuisance.

27 (3) No blighted property shall be certified to the  
28 Redevelopment Authority until the time period for appeal has  
29 expired and no appeal has been taken, or, if taken, the appeal  
30 has been disposed of, and the owner or his agent has failed to

1 comply with the order of the responsible department or other  
2 officer or agency.

3 (f) Acquisition and disposition of blighted property under  
4 this section shall not require preparation, adoption or approval  
5 of a redevelopment area plan or redevelopment proposal as set  
6 forth in section 10, but at least thirty days prior to  
7 acquisition of any property under this section, the  
8 Redevelopment Authority shall transmit identification of the  
9 property to the planning commission of the municipality within  
10 which the property is located and shall request a recommendation  
11 as to the appropriate reuse of the property. The Redevelopment  
12 Authority shall not acquire the property where the planning  
13 commission certifies that disposition for residential or related  
14 use or commercial or industrial reuse would not be in accord  
15 with the comprehensive plan of the municipality.

16 \* \* \*

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