

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1322 Session of
2009

INTRODUCED BY WHEATLEY, BISHOP, DeLUCA, GEIST, JOHNSON,
McGEEHAN, PAYTON, PRESTON, SIPTROTH, K. SMITH, J. TAYLOR,
WAGNER AND YOUNGBLOOD, APRIL 22, 2009

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 22, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 period of limitation in the doctrine of adverse possession
4 under certain circumstances; and making related repeals.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 5527.1. Ten-year limitation.

10 Notwithstanding the provisions of section 5530(a)(1)
11 (relating to twenty-one year limitation), an action for the
12 possession of real property on which there is an occupied single
13 family dwelling on a lot of one acre or less where the
14 unimproved land is incidental to the residence must be commenced
15 within ten years. If the person in actual possession of the real
16 property possesses the property under claim and color of title
17 made in good faith and shall have been in continuous possession
18 for three successive years, the action must be commenced within

1 three years. If the person in actual possession of the real
2 property shall have been in continuous possession for seven
3 successive years and shall have paid all taxes legally assessed
4 on the real property during that time, the action must be
5 commenced within seven years.

6 Section 2. Section 5530(a)(1) of Title 42 is amended to
7 read:

8 § 5530. Twenty-one year limitation.

9 (a) General rule.--The following actions and proceedings
10 must be commenced within 21 years:

11 (1) [An] Except as provided in section 5527.1 (relating
12 to ten-year limitation), an action for the possession of real
13 property.

14 * * *

15 Section 3. (a) The act of May 31, 1901 (P.L.352, No.217),
16 entitled "An act to provide for the recording, in certain
17 instances, of titles to real estate acquired by twenty-one
18 years' adverse possession," is repealed insofar as it is
19 inconsistent with this act.

20 (b) All other acts and parts of acts are repealed insofar as
21 they are inconsistent with this act.

22 Section 4. This act shall not affect the title to real
23 property which is the subject of an action commenced prior to
24 the effective date of this section.

25 Section 5. This act shall take effect in one year.