

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 900 Session of 2009

INTRODUCED BY ARGALL, YAW, PIPPY, ERICKSON, RAFFERTY, KASUNIC, WONDERLING, COSTA, O'PAKE, BROWNE, BAKER, FERLO, WASHINGTON, ALLOWAY, BOSCOLA, STACK, EARLL, EICHELBERGER, WILLIAMS, WARD, TOMLINSON, LOGAN, FOLMER AND KITCHEN, JUNE 17, 2009

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 7, 2010

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, providing for neighborhood blight
3 reclamation and revitalization.

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

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 61

9 NEIGHBORHOOD BLIGHT

10 RECLAMATION AND REVITALIZATION

11 Subchapter

12 A. Preliminary Provisions

13 B. Actions Against Owner of Blighted Property

14 C. Responsibilities of Mortgage Lenders ←

15 D. Permit Denials by Municipalities ←

16 E. Miscellaneous Provisions ←

17 SUBCHAPTER A

PRELIMINARY PROVISIONS

2 Sec.

3 6101. Short title of chapter.

4 ~~6102. Legislative findings and declaration of policy.~~ ←

5 ~~6103. Definitions.~~

6 § 6101. Short title of chapter.

7 This chapter shall be known and may be cited as the  
8 Neighborhood Blight Reclamation and Revitalization Act.

9 ~~§ 6102. Legislative findings and declaration of policy.~~ ←

10 ~~The General Assembly finds and declares as follows:~~

11 ~~(1) It is the intent of the General Assembly to~~  
12 ~~eliminate neighborhood blight caused by property owners who~~  
13 ~~fail to maintain their property or to comply with municipal~~  
14 ~~property maintenance codes. The General Assembly declares~~  
15 ~~that it is in the best interest of the Commonwealth, its~~  
16 ~~citizens and its municipalities to establish a process as set~~  
17 ~~forth under this chapter to effectively deal with blighted~~  
18 ~~and abandoned properties in order to bring the properties up~~  
19 ~~to code standards, acquire and demolish them or, where cost~~  
20 ~~effective and structurally sound, rehabilitate them and~~  
21 ~~return them to productive use. This includes constructing new~~  
22 ~~housing on sites that formerly contained blighted properties~~  
23 ~~and rehabilitating blighted buildings which have been~~  
24 ~~determined to be structurally sound and capable of being~~  
25 ~~rehabilitated.~~

26 ~~(2) Pennsylvania's communities are important to this~~  
27 ~~Commonwealth's economic health and provide a focal point for~~  
28 ~~businesses and services. They also contribute to this~~  
29 ~~Commonwealth's quality of life with their rich histories,~~  
30 ~~culture, heritage and diversity, along with their parks,~~

1 ~~recreational attributes and historic buildings and~~  
2 ~~architecture. Many of these communities, however, are~~  
3 ~~presently being negatively affected by blighted properties~~  
4 ~~that either are in use in spite of their deteriorated state~~  
5 ~~or have been abandoned.~~

6 ~~(3) Citizens of this Commonwealth living in its~~  
7 ~~communities are adversely affected by abandoned and blighted~~  
8 ~~residential, commercial and industrial properties, especially~~  
9 ~~individuals living or owning property in close proximity to~~  
10 ~~unsafe, substandard and deteriorated buildings.~~

11 ~~(4) Substandard, deteriorating and abandoned~~  
12 ~~residential, commercial and industrial structures are not~~  
13 ~~only a public safety threat and nuisance, their blighted~~  
14 ~~condition diminishes property values in the communities in~~  
15 ~~which these properties are located. Nearby property owners~~  
16 ~~lose equity in their properties, and municipalities lose~~  
17 ~~desperately needed property tax revenues for municipal~~  
18 ~~services as a result of lower assessed property values which~~  
19 ~~result from the presence of blighted and abandoned buildings.~~

20 ~~(5) Blighted properties presently sold at tax sales most~~  
21 ~~times remain blighted. When these blighted properties are not~~  
22 ~~rehabilitated or demolished immediately, they further~~  
23 ~~deteriorate, resulting in increased costs to the Commonwealth~~  
24 ~~and its municipalities to secure and demolish them.~~

25 ~~(6) Providing a legislative mechanism to transform~~  
26 ~~abandoned and blighted properties into productive reuse~~  
27 ~~provides an opportunity for communities in Pennsylvania to be~~  
28 ~~revitalized while improving the quality of life for~~  
29 ~~individuals who live there. This revitalization includes~~  
30 ~~clearing sites of blighted properties and replacing them with~~

1 ~~new housing, as well as rehabilitating structurally sound~~  
2 ~~blighted properties.~~

3 ~~§ 6103~~ § 6102. Definitions. ←

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

7 "Abandoned property." A property on which there is a  
8 building that has not been legally occupied for at least the  
9 previous 12 months and is a blighted property.

10 "Blighted property." Any of the following:

11 (1) Premises which, because of physical condition or  
12 use, have been declared by a court of competent jurisdiction  
13 as a public nuisance at common law or have been declared a  
14 public nuisance in accordance with the local housing,  
15 building, plumbing, fire and related codes and ordinances,  
16 including nuisance and dangerous building ordinances.

17 (2) Premises which, because of physical condition, use  
18 or occupancy, are considered an attractive nuisance to  
19 children, including, but not limited to, abandoned wells,  
20 shafts, basements, excavations and unsafe fences or  
21 structures.

22 (3) A dwelling which, because it is dilapidated,  
23 unsanitary, unsafe, vermin-infested or lacking in the  
24 facilities and equipment required under the housing code of  
25 the municipality, has been designated by the municipal  
26 department responsible for enforcement of the code as unfit  
27 for human habitation.

28 (4) A structure which is a fire hazard or is otherwise  
29 dangerous to the safety of persons or property.

30 ~~(5) A structure from which the utilities, plumbing,~~ ←

~~heating, water, sewage or other facilities have been  
disconnected, destroyed, removed or rendered ineffective so  
that the property is unfit for its intended use.~~

~~(6)~~ (5) A vacant or unimproved lot or parcel of ground  
in a predominantly built-up neighborhood which, by reason of  
neglect or lack of maintenance, has become a place for  
accumulation of trash and debris or a haven for rodents or  
other vermin.

~~(7)~~ (6) An unoccupied property which has been tax  
delinquent for a period of two years.

~~(8)~~ (7) A property which is vacant but not tax  
delinquent and which has not been rehabilitated within one  
year of the receipt of notice to rehabilitate from the  
appropriate code enforcement agency.

"Building." A residential, commercial or industrial building  
or structure and the land appurtenant to it.

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

~~"Commonwealth agency." The Governor, departments, boards,  
agencies, commissions, authorities and other officers of the  
Commonwealth, including those subject to the policy supervision  
and control of the Governor. The term does not include any court  
or other officer or agency of the unified judicial system or the  
General Assembly or any of its officers and agencies.~~

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

1 "Consumer." A person who is a named insured, insured or  
2 beneficiary of a policy of insurance or any other person who may  
3 be affected by the Insurance Department's exercise of or the  
4 failure to exercise its authority.

5 "Cost of rehabilitation." Costs and expenses for  
6 construction, stabilization, rehabilitation, demolition and  
7 reasonable nonconstruction costs associated with any of these  
8 projects, including, but not limited to, environmental  
9 remediation, architectural, engineering and legal fees, permits,  
10 financing fees and a developer's fee consistent with the  
11 standards for developer's fees established by the Pennsylvania  
12 Housing Finance Agency.

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

14 ~~"Department." The Department of Community and Economic~~ ←  
15 ~~Development of the Commonwealth.~~

16 ~~"Electronically." Utilizing procedures promulgated by the~~  
17 ~~Department of Community and Economic Development to file forms~~  
18 ~~and obtain information electronically, provided the information~~  
19 ~~is available to the requester under the act of February 14, 2008~~  
20 ~~(P.L.6, No.3), known as the Right to Know Law.~~

21 ~~"Insurer," "company," "association" or "exchange." As these~~  
22 ~~terms are defined in section 101 of the act of May 17, 1921~~  
23 ~~(P.L.682, No.284), known as The Insurance Company Law of 1921,~~  
24 ~~or any entity subject to Article XXIV of The Insurance Company~~  
25 ~~Law of 1921, the act of December 29, 1972 (P.L.1701, No.364),~~  
26 ~~known as the Health Maintenance Organization Act, or 40 Pa.C.S.~~  
27 ~~Ch. 61 (relating to hospital plan corporations) or 63 (relating~~  
28 ~~to professional health services plan corporations).~~

29 ~~"License." A permit granted by the Commonwealth or one of~~  
30 ~~its agencies which gives permission to the applicant, excluding~~

1 ~~individuals and businesses regulated by the Bureau of~~  
2 ~~Professional and Occupational Affairs, to participate in a~~  
3 ~~certain activity or exercise a certain privilege.~~

4 ~~"Licensing" or "certification." The issuance of a license or~~  
5 ~~the formal assertion in writing of some fact or qualification~~  
6 ~~from the Commonwealth or one of its agencies, excluding the~~  
7 ~~Bureau of Professional and Occupational Affairs.~~

8 ~~"MORTGAGE LENDER." A BUSINESS ASSOCIATION DEFINED AS A~~ ←  
9 ~~"BANKING INSTITUTION" OR "MORTGAGE LENDER" UNDER 7 PA.C.S. CH.~~  
10 ~~61 (RELATING TO MORTGAGE LOAN INDUSTRY LICENSING AND CONSUMER~~  
11 ~~PROTECTION) THAT IS IN POSSESSION OF OR HOLDS TITLE TO REAL~~  
12 ~~PROPERTY PURSUANT TO, IN ENFORCEMENT OF OR TO PROTECT RIGHTS~~  
13 ~~ARISING UNDER, A MORTGAGE, MORTGAGE NOTE, DEED OF TRUST OR OTHER~~  
14 ~~TRANSACTION THAT CREATED A SECURITY INTEREST IN THE REAL~~  
15 ~~PROPERTY.~~

16 ~~"Municipality." A city, borough, incorporated town, township~~  
17 ~~or home rule, optional plan or optional charter municipality or~~  
18 ~~municipal authority in this Commonwealth. The term also includes~~  
19 ~~any other governmental entity charged with enforcement of~~  
20 ~~municipal housing, building, plumbing, fire and related codes~~  
21 ~~and specifically includes a neighborhood improvement district~~  
22 ~~and nonprofit corporation created under the act of December 20,~~  
23 ~~2000 (P.L.949, No.130), known as the Neighborhood Improvement~~  
24 ~~District Act.~~

25 ~~"Municipal permits." Privileges relating to real property~~  
26 ~~granted by a municipality, including, but not limited to,~~  
27 ~~building permits, exceptions to zoning ordinances and occupancy~~  
28 ~~permits.~~

29 ~~"Nonprofit corporation." A nonprofit corporation that has,~~ ←  
30 ~~as one of its purposes, community development activities,~~

1 ~~including economic development or the promotion or enhancement~~  
2 ~~of affordable housing opportunities.~~

3 ~~"Owner." The holder or holders of the title to or of a legal~~ ←  
4 ~~or equitable interest in A HOLDER OF THE TITLE TO residential,~~ ←  
5 ~~commercial or industrial real estate, OTHER THAN A MORTGAGE~~ ←  
6 ~~LENDER, WHO POSSESSES AND CONTROLS THE REAL ESTATE. The term~~  
7 ~~includes, but is not limited to, heirs, assigns, trustees,~~ ←  
8 ~~beneficiaries and lessees, provided this ownership interest is a~~  
9 ~~matter of public record.~~

10 ~~"Property maintenance code." A municipal ordinance which~~  
11 ~~regulates the maintenance or development of real property. The~~ ←  
12 ~~term includes, but is not limited to, building codes, housing~~  
13 ~~codes and public safety codes.~~

14 ~~"Property maintenance code violation." A violation of a~~  
15 ~~municipal property maintenance code.~~

16 ~~"Public nuisance." Property which, because of its physical~~  
17 ~~condition or use, is regarded as a public nuisance at common law~~  
18 ~~or has been declared by the appropriate official a public~~  
19 ~~nuisance in accordance with the local housing, building, health,~~ ←  
20 ~~fire or related A MUNICIPAL code.~~ ←

21 ~~"Registry." The Property Maintenance Code Violations~~ ←  
22 ~~Registry established under this chapter.~~

23 ~~"Residential building." Real property that consists of not~~  
24 ~~less than one nor more than four residential dwelling units.~~

25 ~~"Serious violation." A violation of a housing, building,~~  
26 ~~property maintenance or fire safety code that poses an immediate~~  
27 ~~threat to the health and safety of a dwelling occupant,~~  
28 ~~occupants in surrounding structures or passersby.~~

29 ~~"Substantial step." An affirmative action as determined by a~~  
30 ~~municipality on the part of a property owner or managing agent,~~



1 as determined by the municipality, to remedy a violation of a  
2 housing, building, property maintenance or fire safety code, ←  
3 including, but not limited to, physical improvements or  
4 repairs to the property.

5 "Tax delinquent property." Tax delinquent real property as  
6 defined under the act of July 7, 1947 (P.L.1368, No.542), known  
7 as the Real Estate Tax Sale Law, located in any municipality in  
8 this Commonwealth.

9 SUBCHAPTER B

10 ACTIONS AGAINST OWNER OF BLIGHTED PROPERTY

11 Sec.

12 6111. Actions.

13 6112. Asset attachment.

14 6113. Duty of out-of-State owners of real estate in this

15 Commonwealth.

16 6114. Duty of corporate owners.

17 § 6111. Actions.

18 In addition to other remedies, a municipality may institute  
19 the following actions against the ~~legal owner or owner of record~~ ←  
20 OWNER of any building, housing or land in serious violation of ←  
21 an ordinance regarding a ~~building or housing code~~ CODE OR WHICH ←  
22 CAUSES THE PROPERTY TO BE BLIGHTED:

23 (1) An in personam action may be initiated for a  
24 continuing violation for which the ~~legal owner or owner of~~ ←  
25 ~~record~~ OWNER takes no substantial step to correct within 60 ←  
26 days following ~~notification of any violation~~ RECEIPT OF AN ←  
27 ORDER TO CORRECT THE VIOLATION, UNLESS THE ORDER IS SUBJECT  
28 TO A PENDING APPEAL BEFORE THE ADMINISTRATIVE AGENCY OR  
29 COURT.

30 (2) An action against the ~~legal owner or owner of record~~ ←

1 OWNER shall be for an amount equal to any penalties imposed ←  
2 against the ~~legal owner or owner of record~~ OWNER and for the ←  
3 amount expended by the municipality to abate the violation.

4 (3) A proceeding in equity.

5 § 6112. Asset attachment.

6 A lien may be placed against the assets of an owner of  
7 unremediated blighted real property after a judgment, decree or  
8 order is entered by a court of competent jurisdiction against  
9 the ~~legal owner or owner of record~~ OWNER of the property. ←

10 § 6113. Duty of out-of-State owners of real estate in this  
11 Commonwealth.

12 A person who lives or has a principal place of residence  
13 outside this Commonwealth, who owns real estate in this  
14 Commonwealth against which ~~municipal housing~~ code violations ←  
15 have been cited under 18 Pa.C.S. § 7510 (relating to municipal  
16 housing code avoidance), and who has been properly notified of  
17 the violations may be extradited to this Commonwealth to face  
18 criminal prosecution.

19 § 6114. Duty of corporate owners.

20 ~~Mailing a notice or citation for any property maintenance~~ ←  
21 ~~code violation for any property owned by a corporation to the~~  
22 ~~mailing address used for real estate tax collection purposes~~  
23 ~~shall constitute good service by the municipality.~~ WHERE, AFTER ←  
24 REASONABLE EFFORTS, SERVICE OF PROCESS FOR A NOTICE OR CITATION  
25 FOR ANY CODE VIOLATION FOR ANY PROPERTY OWNED BY A CORPORATION  
26 OR BUSINESS ASSOCIATION CANNOT BE ACCOMPLISHED BY HANDING A COPY  
27 OF THE NOTICE OR CITATION TO AN EXECUTIVE OFFICER, PARTNER OR  
28 TRUSTEE OF THE CORPORATION OR BUSINESS ASSOCIATION OR TO THE  
29 MANAGER, TRUSTEE OR CLERK IN CHARGE OF THE PROPERTY, THE  
30 DELIVERY OF THE NOTICE OR CITATION MAY OCCUR BY REGISTERED MAIL,

1 ACCOMPANIED BY A DELIVERY CONFIRMATION:

2 (1) TO THE REGISTERED OFFICE OF THE CORPORATION OR  
3 BUSINESS ASSOCIATION.

4 (2) WHERE A CORPORATION OR BUSINESS ASSOCIATION DOES NOT  
5 HAVE A REGISTERED OFFICE, TO THE MAILING ADDRESS USED FOR  
6 REAL ESTATE TAX COLLECTION PURPOSES, IF ACCOMPANIED BY THE  
7 POSTING OF A CONSPICUOUS NOTICE TO THE PROPERTY AND BY  
8 HANDING A COPY OF THE NOTICE OR CITATION TO ANY ADULT IN  
9 POSSESSION OF THE PROPERTY.

10 SUBCHAPTER C ←

11 RESPONSIBILITIES OF MORTGAGE LENDERS

12 Sec.

13 6121. Residential, business or commercial mortgages.

14 6122. Code compliance.

15 6123. Residential mortgages.

16 § 6121. Residential, business or commercial mortgages.

17 This subchapter shall apply to mortgage loans made for  
18 residential, business or commercial purposes.

19 § 6122. Code compliance.

20 (a) Liability assumed. Sixty days following the entry of a  
21 foreclosure order or upon surrender of the right to possession  
22 by a delinquent borrower of a building due to the owner of  
23 record's default on a mortgage loan, the mortgage lender or  
24 Federal insurer in possession of the building shall assume legal  
25 responsibility and liability as the owner of record for all  
26 exterior municipal housing, building and property maintenance  
27 code requirements representing the following:

28 (1) Serious violations.

29 (2) Violations which contribute to blight in a  
30 neighborhood due to their negative effect on the aesthetic

1 ~~appearance of the structure or the neighborhood.~~

2 ~~(b) Time period. The time period provided for under~~  
3 ~~subsection (a) shall be extended to 120 days following the~~  
4 ~~foreclosure of a property due to the owner of record's default~~  
5 ~~on a mortgage loan in cases where the mortgage lender or Federal~~  
6 ~~insurer has executed a contract to sell the property in question~~  
7 ~~or until final action regarding a petition for appointment of a~~  
8 ~~conservator filed under the act of November 26, 2008 (P.L.1672,~~  
9 ~~No.135), known as the Abandoned and Blighted Property~~  
10 ~~Conservatorship Act.~~

11 ~~(c) Exception.~~

12 ~~(1) A mortgage lender or Federal insurer in possession~~  
13 ~~of a building shall not be subject to subsection (a) if the~~  
14 ~~mortgage lender or Federal insurer files a notice with the~~  
15 ~~county recorder of deeds assigning the right to possession of~~  
16 ~~the property, provided that there is:~~

17 ~~(i) an acceptance of the assignment by the assignee;~~

18 ~~(ii) a foreclosure sale or other disposition of~~  
19 ~~property by the mortgage lender or Federal insurer to the~~  
20 ~~city, borough, township or incorporated town within which~~  
21 ~~the property is located to a municipal housing or~~  
22 ~~redevelopment authority organized by the municipality or~~  
23 ~~to a nonprofit community organization designated by the~~  
24 ~~municipality or a municipal housing or redevelopment~~  
25 ~~authority organized by the municipality; and~~

26 ~~(iii) a lien upon the property which takes priority~~  
27 ~~over the mortgage lender's or Federal insurer's interest~~  
28 ~~in the property to reimburse the municipality, authority~~  
29 ~~or nonprofit community organization for the costs of~~  
30 ~~bringing the property into compliance with exterior~~

~~housing, building and property maintenance code requirements necessary to comply with subsection (a) together with any other reasonable and necessary costs incurred by the municipality, authority or community development organization to protect or preserve the property pending its sale or disposition.~~

~~(2) The notice of assignment shall provide the municipality, authority or community development organization possession of the property for the purpose of bringing it into compliance with property maintenance code requirements necessary to comply with subsection (a) and to protect and preserve the property pending its final sale or disposition.~~

~~(3) The notice need not be accompanied by a signature, acknowledgment or other indication of acceptance of the assignment and lien by the municipality, authority or community development organization.~~

~~§ 6123. Residential mortgages.~~

~~Entities that may grant or insure residential mortgages or participate in related activities for purposes of this subchapter shall include, but not be limited to, the following:~~

~~(1) A State chartered bank, bank and trust company, savings bank, private bank or national bank, a federally chartered or State chartered savings and loan association, a federally chartered savings bank or a federally chartered or State chartered credit union.~~

~~(2) An attorney authorized to practice law in this Commonwealth who acts as a mortgage broker in negotiating or placing a mortgage loan in the normal course of legal practice.~~

~~(3) A person licensed under the act of February 19, 1980~~

1 ~~(P.L.15, No.9), known as the Real Estate Licensing and~~  
2 ~~Registration Act, who is principally engaged in a third party~~  
3 ~~real estate brokerage business, but only to the extent that~~  
4 ~~the person provides information, verbal or written, to, or~~  
5 ~~negotiates or places a mortgage loan for, a buyer of real~~  
6 ~~estate and is not compensated by the buyer or any other~~  
7 ~~person for providing such information or negotiating or~~  
8 ~~placing such mortgage loan. If the person is compensated for~~  
9 ~~providing the information or negotiating or placing a~~  
10 ~~mortgage loan, the person shall be subject to sections 308,~~  
11 ~~310, 311 and 314(b) of the act of December 22, 1989 (P.L.687,~~  
12 ~~No.90), known as the Mortgage Bankers and Brokers and~~  
13 ~~Consumer Equity Protection Act.~~

14 ~~(4) A seller of a dwelling if the person has resided in~~  
15 ~~the dwelling at least one year and as part of the purchase~~  
16 ~~price receives a first mortgage executed by the purchaser.~~

17 ~~(5) A person who either originates or negotiates fewer~~  
18 ~~than 12 mortgage loans in a calendar year in this~~  
19 ~~Commonwealth.~~

20 ~~(6) Builders, when obtaining mortgages for their own~~  
21 ~~construction or for the sale of their own construction.~~

22 ~~(7) An agency or instrumentality of the Federal~~  
23 ~~Government or a corporation otherwise created by an act of~~  
24 ~~Congress, including, but not limited to, the Federal National~~  
25 ~~Mortgage Association, the Department of Veterans Affairs, the~~  
26 ~~Federal Home Loan Mortgage Corporation and the Federal~~  
27 ~~Housing Administration.~~

28 ~~(8) The Pennsylvania Housing Finance Agency.~~

29 ~~(9) A licensee under the act of April 8, 1937 (P.L.262,~~  
30 ~~No.66), known as the Consumer Discount Company Act, except~~

~~that a licensee who makes a mortgage loan other than under the provisions of the Consumer Discount Company Act shall be subject to the provisions of sections 304(b)(2) and (3), 308, 310 and 314(b) of the Mortgage Bankers and Brokers and Consumer Equity Protection Act, excluding section 308(a)(1).~~

~~(10) Except for a licensee described under paragraph (9), a subsidiary or affiliate of the following institutions:~~

~~(i) State chartered banks, bank and trust companies, savings banks, private banks, savings and loan associations and credit unions.~~

~~(ii) National banks.~~

~~(iii) Federally chartered savings and loan associations.~~

~~(iv) Federally chartered savings banks.~~

~~(v) Federally chartered credit unions.~~

~~A subsidiary or affiliate set forth under this paragraph shall be subject to the provisions of sections 308, 309(a)(3), 310 and 314(b) of the Mortgage Bankers and Brokers and Consumer Equity Protection Act, excluding section 308(a)(1), and shall deliver annually to the Department of Banking copies of financial reports made to all supervisory agencies.~~

~~(11) An employee of a licensee or a person designated to act on behalf of his employer.~~

~~(12) An insurance company, association or exchange authorized to transact business in this Commonwealth under the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, and any subsidiaries and affiliates thereof. A subsidiary or affiliate shall:~~

~~(i) be subject to the provisions of sections 308, 309(a)(3), 310 and 314(b) of the Mortgage Bankers and~~

1 ~~Brokers and Consumer Equity Protection Act, excluding~~  
2 ~~section 308(a)(1); and~~  
3 ~~(ii) deliver annually to the Insurance Department~~  
4 ~~copies of financial reports made to all supervisory~~  
5 ~~agencies.~~

6 SUBCHAPTER D C ←

7 PERMIT DENIALS BY MUNICIPALITIES

8 Sec.

9 6131. Municipal permit denial.

10 § 6131. Municipal permit denial.

11 (a) Denial.--

12 (1) A municipality may deny issuing to an applicant a  
13 building permit, zoning permit, zoning variance, municipal  
14 license, municipal permit or municipal approval for  
15 contemplated action that requires the approval of the  
16 municipality, if any of the following final and unappealable  
17 tax, water, sewer or refuse collection delinquencies or code  
18 violations apply:

19 (i) The applicant owns real property in any  
20 municipality for which taxes, water, sewer or refuse  
21 collection charges are delinquent.

22 (ii) The applicant owns real property in any  
23 municipality that has been determined to be in serious  
24 violation of applicable State or municipal housing, ←  
25 building, property maintenance or fire safety code  
26 requirements and has not taken substantial steps to bring  
27 the property into code compliance.

28 (iii) The applicant owns any property in any  
29 municipality which is in violation of an applicable State  
30 or municipal housing, building, property maintenance or ←



1 fire safety LAW OR MUNICIPAL code requirement and has ←  
2 taken no substantial steps to correct within six months  
3 following notification of the violation.

4 (2) Letters required under this subsection shall be  
5 verified by the appropriate municipal officials before  
6 issuing to the applicant a municipal variance, approval,  
7 permit or license.

8 (3) The municipal permit denial shall not apply to an  
9 applicant's action to correct a violation of an applicable  
10 State or municipal housing, building, property maintenance or ←  
11 fire safety LAW OR MUNICIPAL code for which the building ←  
12 permit, zoning permit, zoning variance, municipal license,  
13 municipal permit or municipal approval for contemplated  
14 action requiring such approval is required.

15 (4) The municipal permit denial shall not apply to an  
16 applicant's delinquency on taxes, water, sewer or refuse  
17 collection charges that are under appeal or otherwise  
18 contested through a court or administrative process.

19 (b) Proof of compliance.--

20 (1) All municipal variances, approvals, permits or  
21 licenses may be withheld until an applicant obtains a letter  
22 from the appropriate State agency, municipality or school  
23 district indicating the following:

24 (i) The property in question is not presently tax  
25 delinquent.

26 (ii) The property in question is now in code  
27 compliance.

28 (iii) The owner of the property in question has  
29 taken substantial steps to bring the property into code  
30 compliance.

1 (2) Letters required under this subsection shall be  
2 verified by the appropriate municipal officials before  
3 issuing to the applicant a municipal variance, approval,  
4 permit or license.

5 (c) Applicability of other law.--A denial of a building  
6 permit, zoning permit, zoning variance, municipal license,  
7 municipal permit or municipal approval for contemplated actions  
8 that requires approval of a municipality shall be subject to the  
9 provisions of 2 Pa.C.S. Chs. 5 Subch. B (relating to practice  
10 and procedure of local agencies) and 7 Subch. B (relating to  
11 judicial review of local agency action).

12 SUBCHAPTER # D ←

13 MISCELLANEOUS PROVISIONS

14 Sec.

15 6141. Education and training programs for judges.

16 6142. County housing courts.

17 6143. Conflict with other laws.

18 § 6141. Education and training programs for judges.

19 ~~Available funds shall be used to~~ THE ADMINISTRATIVE OFFICE OF ←  
20 PENNSYLVANIA COURTS MAY develop and implement annual and ongoing  
21 education and training programs for judges, including  
22 magisterial district judges, regarding the laws of this  
23 Commonwealth relating to blighted and abandoned property and the  
24 economic impact that blighted and abandoned properties have upon  
25 municipalities. The education and training programs shall  
26 include, but not be limited to:

27 (1) The importance and connection of ~~municipal housing~~ ←  
28 code violations and crime.

29 (2) Time-in-fact violations as they relate to ~~property~~ ←  
30 maintenance code violations.

1           (3) Conduct of witnesses in prosecuting ~~property~~ ←

2           maintenance code violations.

3           (4) Limiting continuances in ~~property maintenance code~~ ←

4           violations.

5           (5) Use of indigency hearings in the prosecution of

6           ~~property maintenance code violations.~~ ←

7    § 6142. County housing courts.

8           Upon a request or approval of a resolution by the county

9           commissioners, the president judge of a county may establish a

10          housing court to hear and decide matters arising under this

11          chapter and other laws relating to real property matters.

12    § 6143. Conflict with other law.

13          In the event of a conflict between the requirements of this

14          chapter and Federal requirements applicable to demolition,

15          disposition or redevelopment of buildings, structures or land

16          owned by or held in trust for the Government of the United

17          States and regulated pursuant to the United States Housing Act

18          of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and the

19          regulations promulgated thereunder, the Federal requirements

20          shall prevail.

21          Section 2. This act shall take effect in 90 days.