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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 900 Session of  
2009

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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

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AS AMENDED ON THIRD CONSIDERATION, JULY 1, 2010

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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. Permit Denials by Municipalities

15 D. Miscellaneous Provisions

16 SUBCHAPTER A

17 PRELIMINARY PROVISIONS

1 Sec.

2 6101. Short title of chapter.

3 6102. Definitions.

4 § 6101. Short title of chapter.

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

7 § 6102. Definitions.

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

11 "Blighted property." Any of the following:

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

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

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

30 (4) A structure which is a fire hazard.

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

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

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

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

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

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

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

26 "Cost of rehabilitation." Costs and expenses for  
27 construction, stabilization, rehabilitation, demolition and  
28 reasonable nonconstruction costs associated with any of these  
29 projects, including, but not limited to, environmental  
30 remediation, architectural, engineering and legal fees, permits,

1 financing fees and a developer's fee consistent with the  
2 standards for developer's fees established by the Pennsylvania  
3 Housing Finance Agency.

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

5 "Mortgage lender." A business association defined as a  
6 "banking institution" or "mortgage lender" under 7 Pa.C.S. Ch.  
7 61 (relating to mortgage loan industry licensing and consumer  
8 protection) that is in possession of or holds title to real  
9 property pursuant to, in enforcement of or to protect rights  
10 arising under, a mortgage, mortgage note, deed of trust or other  
11 transaction that created a security interest in the real  
12 property.

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

22 "Municipal permits." Privileges relating to real property  
23 granted by a municipality, including, but not limited to,  
24 building permits, exceptions to zoning ordinances and occupancy  
25 permits.

26 "Owner." A holder of the title to residential, commercial or  
27 industrial real estate, other than a mortgage lender, who  
28 possesses and controls the real estate. The term includes, but  
29 is not limited to, heirs, assigns, beneficiaries and lessees,  
30 provided this ownership interest is a matter of public record.

1 "Property maintenance code." A municipal ordinance which  
2 regulates the maintenance or development of real property.

3 "Property maintenance code violation." A violation of a  
4 municipal property maintenance code.

5 "Public nuisance." Property which, because of its physical  
6 condition or use, is regarded as a public nuisance at common law  
7 or has been declared by the appropriate official a public  
8 nuisance in accordance with a municipal code.

9 "Serious violation." A violation of a State law or municipal  
10 housing, building, property maintenance or fire safety code that ←  
11 poses an immediate threat to the health and safety of a dwelling  
12 occupant, occupants in surrounding structures or passersby.

13 "Substantial step." An affirmative action as determined by  
14 an independent third party or officer of the court on the part  
15 of a property owner or managing agent to remedy a serious  
16 violation of a State law or municipal code, including, but not  
17 limited to, physical improvements or reparations to the  
18 property.

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

23 SUBCHAPTER B

24 ACTIONS AGAINST OWNER OF BLIGHTED PROPERTY

25 Sec.

26 6111. Actions.

27 6112. Asset attachment.

28 6113. Duty of out-of-State owners of real estate in this  
29 Commonwealth.

30 6114. Duty of corporate owners.

1 § 6111. Actions.

2 In addition to other remedies, a municipality may institute  
3 the following actions against the owner of any building, housing  
4 or land in serious violation of an ordinance regarding a code or  
5 which causes the property to be blighted:

6 (1) An in personam action may be initiated for a  
7 continuing violation for which the owner takes no substantial  
8 step to correct within six months following receipt of an  
9 order to correct the violation, unless the order is subject  
10 to a pending appeal before the administrative agency or  
11 court.

12 (2) An action against the owner shall be for an amount  
13 equal to any penalties imposed against the owner and for the  
14 amount expended by the municipality to abate the violation.

15 (3) A proceeding in equity.

16 § 6112. Asset attachment.

17 (a) General rule.--A lien may be placed against the assets  
18 of an owner of unremediated blighted real property after a  
19 judgment, decree or order is entered by a court of competent  
20 jurisdiction against the owner of the property.

21 (b) Construction.--Nothing in this section shall be  
22 construed to authorize, in the case of an owner that is a  
23 corporation, a lien on the individual assets of the shareholders  
24 of the corporation.

25 § 6113. Duty of out-of-State owners of real estate in this  
26 Commonwealth.

27 A person who lives or has a principal place of residence  
28 outside this Commonwealth, who owns real estate in this  
29 Commonwealth against which code violations have been cited under  
30 18 Pa.C.S. § 7510 (relating to municipal housing code

1 avoidance), and who has been properly notified of the violations  
2 may be extradited to this Commonwealth to face criminal  
3 prosecution.

4 § 6114. Duty of corporate owners.

5 Where, after reasonable efforts, service of process for a  
6 notice or citation for any code violation for any property owned  
7 by a corporation or business association cannot be accomplished  
8 by handing a copy of the notice or citation to an executive  
9 officer, partner or trustee of the corporation or business  
10 association or to the manager, trustee or clerk in charge of the  
11 property, the delivery of the notice or citation may occur by  
12 registered mail, accompanied by a delivery confirmation:

13 (1) To the registered office of the corporation or  
14 business association.

15 (2) Where a corporation or business association does not  
16 have a registered office, to the mailing address used for  
17 real estate tax collection purposes, if accompanied by the  
18 posting of a conspicuous notice to the property and by  
19 handing a copy of the notice or citation to any adult in  
20 possession of the property.

## 21 SUBCHAPTER C

### 22 PERMIT DENIALS BY MUNICIPALITIES

23 Sec.

24 6131. Municipal permit denial.

25 § 6131. Municipal permit denial.

26 (a) Denial.--

27 (1) A municipality may deny issuing to an applicant a  
28 building permit, zoning permit, zoning variance, municipal  
29 license, municipal permit or municipal approval for  
30 contemplated action that requires the approval of the

1 ~~municipality, if any of the following final and unappealable~~ ←  
2 ~~tax, water, sewer or refuse collection delinquencies or~~  
3 ~~serious violations of State law or municipal code for real~~  
4 ~~property which:~~

5 ~~(i) The applicant owns in any municipality.~~

6 ~~(ii) Is in serious violation of an applicable State~~  
7 ~~law or municipal code requirement and the applicant has~~  
8 ~~taken no substantial steps to correct within six months~~  
9 ~~following notification of the violation. THE APPLICANT~~ ←  
10 ~~OWNS REAL PROPERTY IN ANY MUNICIPALITY FOR WHICH THERE~~  
11 ~~EXISTS ON THE REAL PROPERTY:~~

12 ~~(I) A FINAL AND UNAPPEALABLE TAX, WATER, SEWER OR~~  
13 ~~REFUSE COLLECTION DELINQUENCY ON ACCOUNT OF THE ACTIONS~~  
14 ~~OF THE OWNER; OR~~

15 ~~(II) A SERIOUS VIOLATION OF STATE LAW OR MUNICIPAL~~  
16 ~~CODE AND THE OWNER HAS TAKEN NO SUBSTANTIAL STEPS TO~~  
17 ~~CORRECT THE VIOLATION WITHIN SIX MONTHS FOLLOWING~~  
18 ~~NOTIFICATION OF THE VIOLATION.~~

19 ~~(2) The municipal permit denial shall not apply to an~~  
20 ~~applicant's action to correct a violation of an applicable~~  
21 ~~State law or municipal code for which the building permit,~~  
22 ~~zoning permit, zoning variance, municipal license, municipal~~  
23 ~~permit or municipal approval for contemplated action~~  
24 ~~requiring such approval is required.~~

25 ~~(3) The municipal permit denial shall not apply to an~~  
26 ~~applicant's delinquency on taxes, water, sewer or refuse~~  
27 ~~collection charges that are under appeal or otherwise~~  
28 ~~contested through a court or administrative process.~~

29 ~~(b) Proof of compliance.--~~

30 ~~(1) All municipal variances, approvals, permits or~~



1 licenses may be withheld until an applicant obtains a letter  
2 from the appropriate State agency, municipality or school  
3 district indicating the following:

4 (i) ~~The~~ THE property in question is not presently ←  
5 tax delinquent.; ←

6 (ii) ~~The~~ THE property in question is now in code ←  
7 compliance.; OR ←

8 (iii) ~~The~~ THE owner of the property has presented ←  
9 and the appropriate State agency or municipality has  
10 accepted a plan to begin remediation of a serious  
11 violation of State law or municipal code, ~~subject to the~~ ←  
12 following:

13 ~~(A) acceptance of the plan may be contingent on~~  
14 ~~the beginning of the remediation plan within no fewer~~  
15 ~~than 30 days following acceptance of the plan; or~~

16 ~~(B) acceptance of the plan may be contingent~~  
17 ~~upon the completion of the remediation plan within no~~  
18 ~~fewer than 90 days from the commencement of the~~  
19 ~~remediation plan.. ACCEPTANCE OF THE PLAN MAY BE~~ ←

20 CONTINGENT ON:

21 (A) BEGINNING THE REMEDIATION PLAN WITHIN NO  
22 FEWER THAN 30 DAYS FOLLOWING ACCEPTANCE OF THE PLAN.

23 (B) COMPLETING THE REMEDIATION PLAN WITHIN NO  
24 FEWER THAN 90 DAYS FOLLOWING COMMENCEMENT OF THE  
25 PLAN.

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

30 (c) Applicability of other law.--A denial of a building

1 permit, zoning permit, zoning variance, municipal license,  
2 municipal permit or municipal approval for contemplated actions  
3 that requires approval of a municipality shall be subject to the  
4 provisions of 2 Pa.C.S. Chs. 5 Subch. B (relating to practice  
5 and procedure of local agencies) and 7 Subch. B (relating to  
6 judicial review of local agency action).

7 SUBCHAPTER D

8 MISCELLANEOUS PROVISIONS

9 Sec.

10 6141. Education and training programs for judges.

11 6142. County housing courts.

12 6143. Conflict with other laws.

13 § 6141. Education and training programs for judges.

14 The Administrative Office of Pennsylvania Courts may develop  
15 and implement annual and ongoing education and training programs  
16 for judges, including magisterial district judges, regarding the  
17 laws of this Commonwealth relating to blighted and abandoned  
18 property and the economic impact that blighted and abandoned  
19 properties have upon municipalities. The education and training  
20 programs shall include, but not be limited to:

21 (1) The importance and connection of code violations and  
22 crime.

23 (2) Time-in-fact violations as they relate to code  
24 violations.

25 (3) Conduct of witnesses in prosecuting code violations.

26 (4) Limiting continuances in code violations.

27 (5) Use of indigency hearings in the prosecution of code  
28 violations.

29 § 6142. County housing courts.

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

1 commissioners, the president judge of a county may establish a  
2 housing court to hear and decide matters arising under this  
3 chapter and other laws relating to real property matters.  
4 § 6143. Conflict with other law.

5 In the event of a conflict between the requirements of this  
6 chapter and Federal requirements applicable to demolition,  
7 disposition or redevelopment of buildings, structures or land  
8 owned by or held in trust for the Government of the United  
9 States and regulated pursuant to the United States Housing Act  
10 of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and the  
11 regulations promulgated thereunder, the Federal requirements  
12 shall prevail.

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