
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, KITCHEN AND MENSCH, JUNE 17, 2009

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 29, 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~~ PROPERTY WITH ←

14 SERIOUS CODE VIOLATIONS

15 C. Permit Denials by Municipalities

16 D. Miscellaneous Provisions

1 ~~other vermin.~~

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

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

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

10 "Code." A building, housing, property maintenance, fire,
11 health or other public safety ordinance enacted by a
12 municipality. THE TERM DOES NOT INCLUDE A SUBDIVISION AND LAND ←
13 DEVELOPMENT ORDINANCE OR A ZONING ORDINANCE ENACTED BY A
14 MUNICIPALITY.

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

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

24 "Cost of rehabilitation." Costs and expenses for
25 construction, stabilization, rehabilitation, demolition and
26 reasonable nonconstruction costs associated with any of these
27 projects, including, but not limited to, environmental
28 remediation, architectural, engineering and legal fees, permits,
29 financing fees and a developer's fee consistent with the
30 standards for developer's fees established by the Pennsylvania

1 ~~Housing Finance Agency.~~

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

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

11 "Municipality." A city, borough, incorporated town, township
12 or home rule, optional plan or optional charter municipality or
13 municipal authority in this Commonwealth. ~~The term also includes~~ ←
14 any other governmental entity charged with enforcement of
15 municipal housing, building, plumbing, fire and related codes
16 and specifically includes a neighborhood improvement district
17 and nonprofit corporation created under the act of December 20,
18 2000 (P.L.949, No.130), known as the Neighborhood Improvement
19 District Act AND ANY ENTITY FORMED PURSUANT TO 53 PA.C.S. CH. 23 ←
20 SUBCH. A (RELATING TO INTERGOVERNMENTAL COOPERATION).

21 "Municipal permits." Privileges relating to real property
22 granted by a municipality, including, but not limited to,
23 building permits, exceptions to zoning ordinances and occupancy
24 permits. THE TERM INCLUDES APPROVALS PURSUANT TO LAND USE ←
25 ORDINANCES OTHER THAN DECISIONS ON THE SUBSTANTIVE VALIDITY OF A
26 ZONING ORDINANCE OR MAP OR THE ACCEPTANCE OF A CURATIVE
27 AMENDMENT.

28 "Owner." A holder of the title to residential, commercial or
29 industrial real estate, other than a mortgage lender, who
30 possesses and controls the real estate. The term includes, but

1 is not limited to, heirs, assigns, beneficiaries and lessees,
2 provided this ownership interest is a matter of public record.

3 ~~"Property maintenance code." A municipal ordinance which~~ ←
4 ~~regulates the maintenance or development of real property.~~

5 ~~"Property maintenance code violation." A violation of a~~
6 ~~municipal property maintenance code.~~

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

11 "Serious violation." A violation of a State law or municipal ←
12 A code that poses an ~~immediate~~ IMMINENT threat to the health and ←
13 safety of a dwelling occupant, occupants in surrounding
14 structures or passersby.

15 "STATE LAW." A STATUTE OF THE COMMONWEALTH OR A REGULATION ←
16 OF AN AGENCY CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF
17 COMMONWEALTH LAW.

18 "Substantial step." An affirmative action as determined by
19 ~~an independent third party~~ A PROPERTY CODE OFFICIAL or officer ←
20 of the court on the part of a property owner or managing agent
21 to remedy a serious violation of a State law or municipal code,
22 including, but not limited to, physical improvements or
23 ~~repairs~~ REPAIRS to the property, WHICH AFFIRMATIVE ACTION IS ←
24 SUBJECT TO APPEAL IN ACCORDANCE WITH APPLICABLE LAW.

25 "Tax delinquent property." Tax delinquent real property as
26 ~~defined under the act of July 7, 1947 (P.L.1368, No.542), known~~ ←
27 ~~as the Real Estate Tax Sale Law, located in any municipality in~~
28 ~~this Commonwealth.~~ DEFINED UNDER: ←

29 (1) THE ACT OF JULY 7, 1947 (P.L.1368, NO.542), KNOWN AS
30 THE REAL ESTATE TAX SALE LAW;

amount expended by the municipality to abate the violation.

(1) (I) AN IN PERSONAM ACTION MAY BE INITIATED FOR A CONTINUING VIOLATION FOR WHICH THE OWNER TAKES NO SUBSTANTIAL STEP TO CORRECT WITHIN SIX MONTHS FOLLOWING RECEIPT OF AN ORDER TO CORRECT THE VIOLATION, UNLESS THE ORDER IS SUBJECT TO A PENDING APPEAL BEFORE THE ADMINISTRATIVE AGENCY OR COURT.

(II) NOTWITHSTANDING ANY LAW LIMITING THE FORM OF ACTION FOR THE RECOVERY OF PENALTIES BY A MUNICIPALITY FOR THE VIOLATION OF A CODE, THE MUNICIPALITY MAY RECOVER, IN A SINGLE ACTION UNDER THIS SECTION, AN AMOUNT EQUAL TO ANY PENALTIES IMPOSED AGAINST THE OWNER AND ANY COSTS OF REMEDIATION LAWFULLY INCURRED BY, OR ON BEHALF OF, THE MUNICIPALITY TO REMEDY ANY CODE VIOLATION.

~~(3)~~ (2) A proceeding in equity.

§ 6112. Asset attachment.

(a) General rule.--A lien may be placed against the assets of an owner of unremediated blighted real property THAT IS IN SERIOUS VIOLATION OF A CODE OR IS REGARDED AS A PUBLIC NUISANCE after a judgment, decree or order is entered by a court of competent jurisdiction against the owner of the property FOR AN ADJUDICATION UNDER SECTION 6111 (RELATING TO ACTIONS).

(b) Construction.--Nothing in this section shall be construed to authorize, in the case of an owner that is a ~~corporation~~ AN ASSOCIATION OR TRUST, a lien on the individual assets of the ~~shareholders of the corporation~~ GENERAL PARTNER OR TRUSTEE, EXCEPT AS OTHERWISE ALLOWED BY LAW, LIMITED PARTNER, SHAREHOLDER, MEMBER OR BENEFICIARY OF THE ASSOCIATION OR TRUST. THIS LIMITATION OF LIABILITY SHALL BE THE SAME AS PROVIDED UNDER 15 PA.C.S. PT. IV (RELATING TO UNINCORPORATED ASSOCIATIONS), FOR

1 OWNERS OR MEMBERS OF ASSOCIATIONS.

2 § 6113. Duty of out-of-State owners of ~~real estate~~ PROPERTY in ←
3 this Commonwealth.

4 A person who lives or has a principal place of residence
5 outside this Commonwealth, who owns ~~real estate~~ PROPERTY in this ←
6 Commonwealth against which code violations have been cited under ←
7 ~~18 Pa.C.S. § 7510 (relating to municipal housing code avoidance)~~
8 AND THE PERSON IS CHARGED UNDER 18 PA.C.S. (RELATING TO CRIMES ←
9 AND OFFENSES), and who has been properly notified of the
10 violations may be extradited to this Commonwealth to face
11 criminal prosecution TO THE FULL EXTENT ALLOWED AND IN THE ←
12 MANNER AUTHORIZED BY 42 PA.C.S. CH. 91 (RELATING TO DETAINERS
13 AND EXTRADITION).

14 § 6114. Duty of ~~corporate~~ ASSOCIATION AND TRUST owners. ←

15 Where, after reasonable efforts, service of process for a
16 notice or citation for any code violation for any REAL property ←
17 owned by a ~~corporation or business association~~ AN ASSOCIATION OR ←
18 TRUST cannot be accomplished by handing a copy of the notice or
19 citation to an executive officer, partner or trustee of the
20 ~~corporation or business~~ association OR TRUST or to the manager, ←
21 trustee or clerk in charge of the property, the delivery of the
22 notice or citation may occur by registered, CERTIFIED OR UNITED ←
23 STATES EXPRESS mail, accompanied by a delivery confirmation:

24 (1) To the registered office of the ~~corporation or~~ ←
25 ~~business~~ association OR TRUST. ←

26 (2) Where a ~~corporation or business association~~ THE ←
27 ASSOCIATION OR TRUST does not have a registered office, to
28 the mailing address used for real estate tax collection
29 purposes, if accompanied by the posting of a conspicuous
30 notice to the property and by handing a copy of the notice or

1 citation to any adult in possession of the property THE ←
2 PERSON IN CHARGE OF THE PROPERTY AT THAT TIME.

3 SUBCHAPTER C

4 PERMIT DENIALS BY MUNICIPALITIES

5 Sec.

6 6131. Municipal permit denial.

7 § 6131. Municipal permit denial.

8 (a) Denial.--

9 (1) A municipality OR A BOARD UNDER SUBSECTION (C) may ←
10 deny issuing to an applicant a building permit, zoning ←
11 permit, zoning variance, municipal license, municipal permit
12 or municipal approval for contemplated action that requires
13 the approval of the municipality MUNICIPAL PERMIT, if the ←
14 applicant owns real property in any municipality for which
15 there exists on the real property:

16 (i) a final and unappealable tax, water, sewer or
17 refuse collection delinquency on account of the actions
18 of the owner; or

19 (ii) a serious violation of State law or municipal A ←
20 code and the owner has taken no substantial steps to
21 correct the violation within six months following
22 notification of the violation AND FOR WHICH FINES OR ←
23 OTHER PENALTIES OR A JUDGMENT TO ABATE OR CORRECT WERE
24 IMPOSED BY A MAGISTERIAL DISTRICT JUDGE OR MUNICIPAL
25 COURT, OR A JUDGMENT AT LAW OR IN EQUITY WAS IMPOSED BY A
26 COURT OF COMMON PLEAS. HOWEVER, NO DENIAL SHALL BE
27 PERMITTED ON THE BASIS OF A PROPERTY FOR WHICH THE
28 JUDGMENT, ORDER OR DECREE IS SUBJECT TO A STAY OR
29 SUPERSEDEAS BY AN ORDER OF A COURT OF COMPETENT
30 JURISDICTION OR AUTOMATICALLY ALLOWED BY STATUTE OR RULE

1 OF COURT UNTIL THE STAY OR SUPERSEDEAS IS LIFTED BY THE
2 COURT OR A HIGHER COURT OR THE STAY OR SUPERSEDEAS
3 EXPIRES AS OTHERWISE PROVIDED BY LAW. WHERE A STAY OR
4 SUPERSEDEAS IS IN EFFECT, THE PROPERTY OWNER SHALL SO
5 ADVISE THE MUNICIPALITY SEEKING TO DENY A MUNICIPAL
6 PERMIT.

7 (2) The municipal permit denial shall not apply to an ←
8 applicant's action to correct a violation of an applicable
9 State law or municipal code for which the building permit,
10 zoning permit, zoning variance, municipal license, municipal
11 permit or municipal approval for contemplated action
12 requiring such approval is required A MUNICIPALITY OR BOARD ←
13 SHALL NOT DENY A MUNICIPAL PERMIT TO AN APPLICANT IF THE
14 MUNICIPAL PERMIT IS NECESSARY TO CORRECT A VIOLATION OF STATE
15 LAW OR A CODE.

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

20 (4) IN ISSUING A DENIAL OF A PERMIT BASED ON AN ←
21 APPLICANT'S DELINQUENCY IN REAL PROPERTY TAXES OR MUNICIPAL
22 CHARGES OR FOR FAILURE TO ABATE A SERIOUS VIOLATION OF STATE
23 LAW OR A CODE ON REAL PROPERTY THAT THE APPLICANT OWNS IN
24 THIS COMMONWEALTH, THE MUNICIPALITY OR BOARD SHALL INDICATE
25 THE STREET ADDRESS, MUNICIPAL CORPORATION AND COUNTY IN WHICH
26 THE PROPERTY IS LOCATED AND THE COURT AND DOCKET NUMBER FOR
27 EACH PARCEL CITED AS A BASIS FOR THE DENIAL. THE DENIAL SHALL
28 ALSO STATE THAT THE APPLICANT MAY REQUEST A LETTER OF
29 COMPLIANCE FROM THE APPROPRIATE STATE AGENCY, MUNICIPALITY OR
30 SCHOOL DISTRICT, IN A FORM SPECIFIED BY SUCH ENTITY AS

1 PROVIDED IN THIS SECTION.

2 (b) Proof of compliance.--

3 (1) All municipal ~~variances, approvals, permits or~~ ←
4 ~~licenses~~ PERMITS DENIED IN ACCORDANCE WITH THIS SUBSECTION ←
5 may be withheld until an applicant obtains a letter from the
6 appropriate State agency, municipality or school district
7 indicating the following:

8 (i) the property in question ~~is not presently tax~~ ←
9 ~~delinquent~~ HAS NO FINAL AND UNAPPEALABLE TAX, WATER, ←
10 SEWER OR REFUSE DELINQUENCIES;

11 (ii) the property in question is now in code
12 compliance; or

13 (iii) the owner of the property has presented and
14 the appropriate State agency or municipality has accepted
15 a plan to begin remediation of a serious violation of
16 State law or municipal code. Acceptance of the plan may
17 be contingent on:

18 (A) Beginning the remediation plan within no
19 fewer than 30 days following acceptance of the plan
20 OR SOONER, IF MUTUALLY AGREEABLE TO BOTH THE PROPERTY ←
21 OWNER AND THE MUNICIPALITY.

22 (B) Completing the remediation plan within no
23 fewer than 90 days following commencement of the plan
24 OR SOONER, IF MUTUALLY AGREEABLE TO BOTH THE PROPERTY ←
25 OWNER AND THE MUNICIPALITY.

26 (2) IN THE EVENT THAT THE APPROPRIATE STATE AGENCY, ←
27 MUNICIPALITY OR SCHOOL DISTRICT FAILS TO ISSUE A LETTER
28 INDICATING EITHER TAX OR CODE COMPLIANCE OR NONCOMPLIANCE, AS
29 THE CASE MAY BE, WITHIN 45 DAYS OF THE REQUEST, THE PROPERTY
30 IN QUESTION SHALL BE DEEMED TO BE IN COMPLIANCE FOR THE

1 PURPOSE OF THIS SECTION. THE APPROPRIATE STATE AGENCY,
2 MUNICIPALITY OR SCHOOL DISTRICT SHALL SPECIFY THE FORM IN
3 WHICH THE REQUEST FOR A COMPLIANCE LETTER SHALL BE MADE.

4 ~~(2)~~ (3) Letters required under this subsection SECTION ←
5 shall be verified by the appropriate municipal officials
6 before issuing to the applicant a municipal variance, ←
7 approval, permit or license PERMIT. ←

8 (4) (I) MUNICIPAL PERMITS MAY BE DENIED BY A BOARD IN ←
9 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION TO THE
10 EXTENT THAT APPROVAL OF THE MUNICIPAL PERMIT IS WITHIN
11 THE JURISDICTION OF THE BOARD. FOR PURPOSES OF THIS
12 SECTION, "BOARD" SHALL MEAN A ZONING HEARING BOARD OR
13 OTHER BODY GRANTED JURISDICTION TO RENDER DECISIONS IN
14 ACCORDANCE WITH THE ACT OF JULY 31, 1968 (P.L.805,
15 NO.247), KNOWN AS THE PENNSYLVANIA MUNICIPALITIES
16 PLANNING CODE, OR A SIMILAR BOARD IN MUNICIPALITIES NOT
17 SUBJECT TO THAT ACT.

18 (II) IN ANY PROCEEDING BEFORE A BOARD OTHER THAN THE
19 GOVERNING BODY OF THE MUNICIPALITY, THE MUNICIPALITY MAY
20 APPEAR TO PRESENT EVIDENCE THAT THE APPLICANT IS SUBJECT
21 TO A DENIAL BY THE BOARD IN ACCORDANCE WITH THIS SECTION.

22 (III) FOR PURPOSES OF THIS SUBSECTION, A MUNICIPAL
23 PERMIT MAY ONLY BE DENIED TO AN APPLICANT OTHER THAN AN
24 OWNER IF:

25 (A) THE APPLICANT IS ACTING UNDER THE DIRECTION,
26 OR WITH THE PERMISSION, OF AN OWNER; AND

27 (B) THE OWNER OWNS REAL PROPERTY SATISFYING THE
28 CONDITIONS OF SUBSECTION (A).

29 (c) Applicability of other law.--A denial of a building ←
30 permit, zoning permit, zoning variance, municipal license,

1 ~~municipal permit or municipal approval for contemplated actions~~
2 ~~that requires approval of a municipality~~ PERMIT shall be subject ←
3 ~~to the provisions of 2 Pa.C.S. Chs. 5 Subch. B (relating to~~
4 ~~practice and procedure of local agencies) and 7 Subch. B~~
5 ~~(relating to judicial review of local agency action) OR THE~~ ←
6 ~~PENNSYLVANIA MUNICIPALITIES PLANNING CODE, FOR DENIALS SUBJECT~~
7 ~~TO THE ACT.~~

8 SUBCHAPTER D

9 MISCELLANEOUS PROVISIONS

10 Sec.

11 6141. Education and training programs for judges.

12 6142. County housing courts.

13 6143. Conflict with other laws.

14 6144. RELIEF FOR INHERITED PROPERTY. ←

15 6145. CONSTRUCTION.

16 § 6141. Education and training programs for judges.

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

24 (1) The importance and connection of code violations and
25 crime.

26 (2) Time-in-fact violations as they relate to code
27 violations.

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

29 (4) Limiting continuances in code violations.

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

1 violations.

2 § 6142. County housing courts.

3 Upon a request or approval of a resolution by the county
4 commissioners, the president judge of a county may establish a
5 housing court to hear and decide matters arising under this
6 chapter and other laws relating to real property matters.

7 § 6143. Conflict with other law.

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

16 § 6144. RELIEF FOR INHERITED PROPERTY.

17 WHERE PROPERTY IS INHERITED BY WILL OR INTESTACY, THE DEVISEE
18 OR HEIR SHALL BE GIVEN THE OPPORTUNITY TO MAKE PAYMENTS ON
19 REASONABLE TERMS TO CORRECT CODE VIOLATIONS OR TO ENTER INTO A
20 REMEDICATION AGREEMENT UNDER SECTION 6131(B)(1)(III) (RELATING TO
21 MUNICIPAL PERMIT DENIAL) WITH A MUNICIPALITY TO AVOID SUBJECTING
22 THE DEVISEE'S OR HEIR'S OTHER PROPERTIES TO ASSET ATTACHMENT OR
23 DENIAL OF PERMITS AND APPROVALS ON OTHER PROPERTIES OWNED BY THE
24 DEVISEE OR HEIR.

25 § 6145. CONSTRUCTION.

26 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO ABRIDGE OR
27 ALTER THE REMEDIES NOW EXISTING AT COMMON LAW OR BY STATUTE, BUT
28 THE PROVISIONS OF THIS CHAPTER ARE IN ADDITION TO SUCH REMEDIES.

29 Section 2. This act shall take effect in ~~90~~ 180 days.