

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 5, 2010

AN ACT

1 Amending ~~Title~~ TITLES 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND ←
2 53 (Municipalities Generally) of the Pennsylvania
3 Consolidated Statutes, IN ORGANIZATION AND JURISDICTION OF ←
4 COURTS OF COMMON PLEAS, AUTHORIZING HOUSING COURTS; IN
5 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, PROVIDING FOR
6 DETERIORATED REAL PROPERTY EDUCATION AND TRAINING PROGRAM FOR
7 JUDGES; AND providing for neighborhood blight reclamation and
8 revitalization.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Title 53 of the Pennsylvania Consolidated~~ ←
12 ~~Statutes is amended by adding a chapter to read:~~

13 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED ←
14 STATUTES IS AMENDED BY ADDING SECTIONS TO READ:
15 § 918. HOUSING COURTS.

16 (A) ESTABLISHMENT.--THE COURT OF COMMON PLEAS OF A JUDICIAL
17 DISTRICT MAY ESTABLISH, FROM AVAILABLE FUNDS, A HOUSING COURT
18 WHICH SHALL HAVE JURISDICTION AS PROVIDED UNDER SUBSECTION (D).
19 THE COURT MAY ADOPT LOCAL RULES FOR THE ADMINISTRATION OF

1 HOUSING COURTS AND THEIR RELATED SERVICES SUCH AS HOUSING
2 CLINICS TO COUNSEL CODE VIOLATORS ON THEIR RESPONSIBILITIES AND
3 PROCEDURES TO BRING PROPERTIES INTO CODE COMPLIANCE. THE LOCAL
4 RULES MAY NOT BE INCONSISTENT WITH THIS SECTION OR ANY RULES
5 ESTABLISHED BY THE SUPREME COURT.

6 (B) STATEWIDE HOUSING COURTS COORDINATOR.--TO THE EXTENT
7 THAT FUNDS ARE AVAILABLE, THE SUPREME COURT MAY APPOINT A
8 STATEWIDE HOUSING COURTS COORDINATOR WHO MAY BE ASSIGNED OTHER
9 RESPONSIBILITIES BY THE SUPREME COURT. THE COORDINATOR MAY:

10 (1) ENCOURAGE AND ASSIST IN THE ESTABLISHMENT OF HOUSING
11 COURTS IN EACH JUDICIAL DISTRICT WHERE THE CASELOAD JUSTIFIES
12 THE ESTABLISHMENT OF SUCH COURTS.

13 (2) IDENTIFY SOURCES OF FUNDING FOR HOUSING COURTS AND
14 THEIR RELATED SERVICES, INCLUDING THE AVAILABILITY OF GRANTS.

15 (3) PROVIDE COORDINATION AND TECHNICAL ASSISTANCE FOR
16 GRANT APPLICATIONS.

17 (4) DEVELOP MODEL GUIDELINES FOR THE ADMINISTRATION OF
18 HOUSING COURTS AND THEIR RELATED SERVICES.

19 (5) ESTABLISH PROCEDURES FOR MONITORING HOUSING COURTS
20 AND THEIR RELATED SERVICES AND FOR EVALUATING THE
21 EFFECTIVENESS OF HOUSING COURTS AND THEIR RELATED SERVICES.

22 (C) ADVISORY COMMITTEE.--THE SUPREME COURT MAY ESTABLISH,
23 FROM AVAILABLE FUNDS, AN INTERDISCIPLINARY AND INTERBRANCH
24 ADVISORY COMMITTEE TO ADVISE AND ASSIST THE STATEWIDE HOUSING
25 COURTS COORDINATOR IN MONITORING AND ADMINISTERING HOUSING
26 COURTS STATEWIDE.

27 (D) JURISDICTION OF HOUSING COURT.--IN A COURT OF COMMON
28 PLEAS WHICH HAS ESTABLISHED A HOUSING COURT PURSUANT TO THIS
29 SECTION, THE EXCLUSIVE JURISDICTION OF THE FOLLOWING MATTERS MAY
30 BE VESTED IN THE HOUSING COURT:

1 (1) CRIMINAL AND CIVIL ACTIONS ARISING WITHIN THE COUNTY
2 UNDER ANY OTHER GENERAL OR SPECIAL LAW, ORDINANCE, RULE OR
3 REGULATION CONCERNED WITH THE HEALTH, SAFETY OR WELFARE OF AN
4 OCCUPANT OF A PLACE USED, OR INTENDED FOR USE, AS A PLACE OF
5 HUMAN HABITATION.

6 (2) LAND USE DECISIONS APPEALED TO THE COURT OF COMMON
7 PLEAS IN ACCORDANCE WITH ARTICLE X-A OF THE ACT OF JULY 31,
8 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA
9 MUNICIPALITIES PLANNING CODE, PROVIDED THEY RELATE TO SINGLE-
10 FAMILY AND MULTIFAMILY PROPERTIES, OR PROCEEDINGS APPEALED TO
11 COURT IN ACCORDANCE WITH THE ACT OF JUNE 13, 1961 (P.L.282,
12 NO.167), RELATING TO THE ESTABLISHMENT OF HISTORIC DISTRICTS.

13 (3) APPEALS FROM GOVERNMENT AGENCIES UNDER THE FORMER
14 ACT OF DECEMBER 2, 1968 (P.L.1133, NO.353), KNOWN AS THE
15 LOCAL AGENCY LAW, OR OTHERWISE, RELATING TO THE HOUSING,
16 BUILDING, SAFETY, PLUMBING, MECHANICAL, ELECTRICAL, HEALTH OR
17 FIRE ORDINANCES AND REGULATIONS OF A MUNICIPAL CORPORATION
18 WITHIN THE COUNTY OR OF THE COUNTY ITSELF.

19 (4) MATTERS ARISING UNDER THE ACT OF APRIL 6, 1951
20 (P.L.69, NO.20), KNOWN AS THE LANDLORD AND TENANT ACT OF
21 1951, WHICH INVOLVE A PLACE USED, OR INTENDED FOR USE, AS A
22 PLACE OF HUMAN HABITATION.

23 (5) MATTERS ARISING UNDER THE ACT OF NOVEMBER 10, 1999
24 (P.L.491, NO.45), KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE
25 ACT, WHICH INVOLVE A PLACE USED, OR INTENDED FOR USE, AS A
26 PLACE OF HUMAN HABITATION.

27 § 1907. DETERIORATED REAL PROPERTY EDUCATION AND TRAINING
28 PROGRAM FOR JUDGES.

29 THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS MAY DEVELOP
30 AND IMPLEMENT ANNUAL AND ONGOING EDUCATION AND TRAINING PROGRAMS

1 FOR JUDGES, INCLUDING MAGISTERIAL DISTRICT JUDGES, REGARDING THE
2 LAWS OF THIS COMMONWEALTH RELATING TO DETERIORATED REAL PROPERTY
3 AND THE ECONOMIC IMPACT THAT SUCH PROPERTIES HAVE UPON
4 MUNICIPALITIES. THE EDUCATION AND TRAINING PROGRAM SHALL
5 INCLUDE, BUT NOT BE LIMITED TO:

6 (1) THE IMPORTANCE AND CONNECTION OF CODE VIOLATIONS AND
7 CRIME.

8 (2) TIME-IN-FACT VIOLATIONS AS THEY RELATE TO CODE
9 VIOLATIONS.

10 (3) CONDUCT OF WITNESSES IN PROSECUTING CODE VIOLATIONS.

11 (4) LIMITING CONTINUANCES IN CODE VIOLATIONS.

12 (5) USE OF INDIGENCY HEARINGS IN THE PROSECUTION OF CODE
13 VIOLATIONS.

14 SECTION 2. TITLE 53 IS AMENDED BY ADDING A CHAPTER TO READ:

15 CHAPTER 61

16 NEIGHBORHOOD BLIGHT

17 RECLAMATION AND REVITALIZATION

18 Subchapter

19 A. Preliminary Provisions

20 B. Actions Against Owner of ~~Blighted Property~~ PROPERTY WITH ←
21 SERIOUS CODE VIOLATIONS

22 C. Permit Denials by Municipalities

23 D. Miscellaneous Provisions

24 SUBCHAPTER A

25 PRELIMINARY PROVISIONS

26 Sec.

27 6101. Short title of chapter.

28 6102. LEGISLATIVE FINDINGS AND PURPOSE. ←

29 ~~6102.~~ 6103. Definitions. ←

30 § 6101. Short title of chapter.

1 This chapter shall be known and may be cited as the
2 Neighborhood Blight Reclamation and Revitalization Act.
3 § 6102. LEGISLATIVE FINDINGS AND PURPOSE.

4 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

5 (1) THERE ARE DETERIORATED PROPERTIES LOCATED IN ALL
6 MUNICIPALITIES OF THIS COMMONWEALTH AS A RESULT OF NEGLECT BY
7 THEIR OWNERS IN VIOLATION OF APPLICABLE STATE AND MUNICIPAL
8 CODES.

9 (2) THESE DETERIORATED PROPERTIES CREATE PUBLIC
10 NUISANCES WHICH HAVE AN IMPACT ON CRIME AND THE QUALITY OF
11 LIFE OF OUR RESIDENTS AND REQUIRE SIGNIFICANT EXPENDITURES OF
12 PUBLIC FUNDS IN ORDER TO ABATE AND CORRECT THE NUISANCES.

13 (3) IN ORDER TO ADDRESS THESE SITUATIONS, IT IS
14 APPROPRIATE TO DENY CERTAIN GOVERNMENTAL PERMITS AND
15 APPROVALS IN ORDER:

16 (I) TO PROHIBIT PROPERTY OWNERS FROM FURTHER
17 EXTENDING THEIR FINANCIAL COMMITMENTS SO AS TO RENDER
18 THEMSELVES UNABLE TO ABATE OR CORRECT THE CODE, STATUTORY
19 AND REGULATORY VIOLATIONS OR TAX DELINQUENCIES.

20 (II) TO REDUCE THE LIKELIHOOD THAT OTHER
21 MUNICIPALITIES WILL HAVE TO ADDRESS THE OWNERS' NEGLECT
22 AND RESULTING DETERIORATED PROPERTIES.

23 (III) TO SANCTION THE OWNERS FOR NOT ADHERING TO
24 THEIR LEGAL OBLIGATIONS TO THE COMMONWEALTH AND ITS
25 MUNICIPALITIES, AS WELL AS TO TENANTS, ADJOINING PROPERTY
26 OWNERS AND NEIGHBORHOODS.

27 § ~~6102~~ 6103. Definitions.

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



1 ~~"Blighted property." Any of the following:~~

2 ~~(1) Premises which, because of physical condition or~~
3 ~~use, have been declared by a court of competent jurisdiction~~
4 ~~as a public nuisance at common law or have been declared a~~
5 ~~public nuisance in accordance with State laws and related~~
6 ~~municipal codes and ordinances, including nuisance and~~
7 ~~dangerous building ordinances.~~

8 ~~(2) Premises which, because of physical condition, use~~
9 ~~or occupancy, are considered an attractive nuisance to~~
10 ~~children, including, but not limited to, abandoned wells,~~
11 ~~shafts, basements, excavations and unsafe fences or~~
12 ~~structures.~~

13 ~~(3) A dwelling which, because it is dilapidated,~~
14 ~~unsanitary, unsafe, vermin infested or lacking in the~~
15 ~~facilities and equipment required under the housing code of~~
16 ~~the municipality, has been designated by the municipal~~
17 ~~department responsible for enforcement of the code as unfit~~
18 ~~for human habitation.~~

19 ~~(4) A structure which is a fire hazard.~~

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

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

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

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

3 "Code." A building, housing, property maintenance, fire,
4 health or other public safety ordinance enacted by a
5 municipality. THE TERM DOES NOT INCLUDE A SUBDIVISION AND LAND ←
6 DEVELOPMENT ORDINANCE OR A ZONING ORDINANCE ENACTED BY A
7 MUNICIPALITY.

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

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

17 "Cost of rehabilitation." Costs and expenses for
18 construction, stabilization, rehabilitation, demolition and
19 reasonable nonconstruction costs associated with any of these
20 projects, including, but not limited to, environmental
21 remediation, architectural, engineering and legal fees, permits,
22 financing fees and a developer's fee consistent with the
23 standards for developer's fees established by the Pennsylvania
24 Housing Finance Agency.

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

26 "Mortgage lender." A business association defined as a
27 "banking institution" or "mortgage lender" under 7 Pa.C.S. Ch.
28 61 (relating to mortgage loan industry licensing and consumer
29 protection) that is in possession of or holds title to real
30 property pursuant to, in enforcement of or to protect rights

1 arising under, a mortgage, mortgage note, deed of trust or other
2 transaction that created a security interest in the real
3 property.

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

14 "Municipal permits." Privileges relating to real property
15 granted by a municipality, including, but not limited to,
16 building permits, exceptions to zoning ordinances and occupancy
17 permits. THE TERM INCLUDES APPROVALS PURSUANT TO LAND USE ←
18 ORDINANCES OTHER THAN DECISIONS ON THE SUBSTANTIVE VALIDITY OF A
19 ZONING ORDINANCE OR MAP OR THE ACCEPTANCE OF A CURATIVE
20 AMENDMENT.

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

26 "Property maintenance code." A municipal ordinance which ←
27 regulates the maintenance or development of real property.

28 "Property maintenance code violation." A violation of a
29 municipal property maintenance code.

30 "Public nuisance." Property which, because of its physical

1 condition or use, is regarded as a public nuisance at common law
2 or has been declared by the appropriate official a public
3 nuisance in accordance with a municipal code.

4 "Serious violation." A violation of a State law or municipal ←
5 A code that poses an immediate IMMINENT threat to the health and ←
6 safety of a dwelling occupant, occupants in surrounding
7 structures or passersby.

8 "STATE LAW." A STATUTE OF THE COMMONWEALTH OR A REGULATION ←
9 OF AN AGENCY CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF
10 COMMONWEALTH LAW.

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

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

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

24 (2) THE ACT OF MAY 16, 1923 (P.L.207, NO. 153), REFERRED
25 TO AS THE MUNICIPAL CLAIM AND TAX LIEN LAW; OR

26 (3) THE ACT OF OCTOBER 11, 1984 (P.L.876, NO.171, KNOWN
27 AS THE SECOND CLASS CITY TREASURER'S SALE AND COLLECTION ACT,
28 LOCATED IN ANY MUNICIPALITY IN THIS COMMONWEALTH.

29 SUBCHAPTER B

30 ACTIONS AGAINST OWNER OF BLIGHTED PROPERTY ←

PROPERTY WITH SERIOUS CODE VIOLATIONS

Sec.

6111. Actions.

6112. Asset attachment.

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

6114. Duty of ~~corporate~~ ASSOCIATION AND TRUST owners.

§ 6111. Actions.

In addition to ~~other remedies~~ ANY OTHER REMEDY AVAILABLE AT
LAW OR IN EQUITY, a municipality may institute the following
actions against the owner of any ~~building, housing or land~~ REAL
PROPERTY THAT IS in serious violation of an ~~ordinance regarding~~
a code or ~~which causes the property to be blighted~~ FOR FAILURE
TO CORRECT A CONDITION WHICH CAUSES THE PROPERTY TO BE REGARDED
AS A PUBLIC NUISANCE:

(1) 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.

(2) An action against the owner shall be for an amount
equal to any penalties imposed against the owner and for the
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.

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

8 ~~(3)~~ (2) A proceeding in equity. ←

9 § 6112. Asset attachment.

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

16 (b) Construction.--Nothing in this section shall be
17 construed to authorize, in the case of an owner that is a ←
18 ~~corporation~~ AN ASSOCIATION OR TRUST, a lien on the individual ←
19 assets of the ~~shareholders of the corporation~~ GENERAL PARTNER OR ←
20 TRUSTEE, EXCEPT AS OTHERWISE ALLOWED BY LAW, LIMITED PARTNER,
21 SHAREHOLDER, MEMBER OR BENEFICIARY OF THE ASSOCIATION OR TRUST.
22 ~~THIS LIMITATION OF LIABILITY SHALL BE THE SAME AS PROVIDED UNDER~~ ←
23 ~~15 PA.C.S. PT. IV (RELATING TO UNINCORPORATED ASSOCIATIONS), FOR~~
24 ~~OWNERS OR MEMBERS OF ASSOCIATIONS.~~

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

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

1 AND THE PERSON IS CHARGED UNDER 18 PA.C.S. (RELATING TO CRIMES ←
2 AND OFFENSES), and who has been properly notified of the
3 violations may be extradited to this Commonwealth to face
4 criminal prosecution TO THE FULL EXTENT ALLOWED AND IN THE ←
5 MANNER AUTHORIZED BY 42 PA.C.S. CH. 91 (RELATING TO DETAINERS
6 AND EXTRADITION).

7 § 6114. Duty of ~~corporate~~ ASSOCIATION AND TRUST owners. ←

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

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

19 (2) Where a ~~corporation or business association~~ THE ←
20 ASSOCIATION OR TRUST does not have a registered office, to
21 the mailing address used for real estate tax collection
22 purposes, if accompanied by the posting of a conspicuous
23 notice to the property and by handing a copy of the notice or
24 citation to any adult in possession of the property THE ←
25 PERSON IN CHARGE OF THE PROPERTY AT THAT TIME.

26 SUBCHAPTER C

27 PERMIT DENIALS BY MUNICIPALITIES

28 Sec.

29 6131. Municipal permit denial.

30 § 6131. Municipal permit denial.

1 (a) Denial.--

2 (1) A municipality OR A BOARD UNDER SUBSECTION (C) may ←
3 deny issuing to an applicant a building permit, zoning ←
4 permit, zoning variance, municipal license, municipal permit
5 or municipal approval for contemplated action that requires
6 the approval of the municipality MUNICIPAL PERMIT, if the ←
7 applicant owns real property in any municipality for which
8 there exists on the real property:

9 (i) a final and unappealable tax, water, sewer or
10 refuse collection delinquency on account of the actions
11 of the owner; or

12 (ii) a serious violation of State law or municipal A ←
13 code and the owner has taken no substantial steps to
14 correct the violation within six months following
15 notification of the violation AND FOR WHICH FINES OR ←
16 OTHER PENALTIES OR A JUDGMENT TO ABATE OR CORRECT WERE
17 IMPOSED BY A MAGISTERIAL DISTRICT JUDGE OR MUNICIPAL
18 COURT, OR A JUDGMENT AT LAW OR IN EQUITY WAS IMPOSED BY A
19 COURT OF COMMON PLEAS. HOWEVER, NO DENIAL SHALL BE
20 PERMITTED ON THE BASIS OF A PROPERTY FOR WHICH THE
21 JUDGMENT, ORDER OR DECREE IS SUBJECT TO A STAY OR
22 SUPERSEDEAS BY AN ORDER OF A COURT OF COMPETENT
23 JURISDICTION OR AUTOMATICALLY ALLOWED BY STATUTE OR RULE
24 OF COURT UNTIL THE STAY OR SUPERSEDEAS IS LIFTED BY THE
25 COURT OR A HIGHER COURT OR THE STAY OR SUPERSEDEAS
26 EXPIRES AS OTHERWISE PROVIDED BY LAW. WHERE A STAY OR
27 SUPERSEDEAS IS IN EFFECT, THE PROPERTY OWNER SHALL SO
28 ADVISE THE MUNICIPALITY SEEKING TO DENY A MUNICIPAL
29 PERMIT.

30 (2) The municipal permit denial shall not apply to an ←

~~applicant's action to correct a violation of an applicable State law or municipal code for which the building permit, zoning permit, zoning variance, municipal license, municipal permit or municipal approval for contemplated action requiring such approval is required~~ A MUNICIPALITY OR BOARD SHALL NOT DENY A MUNICIPAL PERMIT TO AN APPLICANT IF THE MUNICIPAL PERMIT IS NECESSARY TO CORRECT A VIOLATION OF STATE LAW OR A CODE.

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

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

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

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

1 (i) the property in question is not presently tax ←
2 delinquent HAS NO FINAL AND UNAPPEALABLE TAX, WATER, ←
3 SEWER OR REFUSE DELINQUENCIES;

4 (ii) the property in question is now in code
5 compliance; or

6 (iii) the owner of the property has presented and
7 the appropriate State agency or municipality has accepted
8 a plan to begin remediation of a serious violation of
9 State law or municipal code. Acceptance of the plan may
10 be contingent on:

11 (A) Beginning the remediation plan within no
12 fewer than 30 days following acceptance of the plan
13 OR SOONER, IF MUTUALLY AGREEABLE TO BOTH THE PROPERTY ←
14 OWNER AND THE MUNICIPALITY.

15 (B) Completing the remediation plan within no
16 fewer than 90 days following commencement of the plan
17 OR SOONER, IF MUTUALLY AGREEABLE TO BOTH THE PROPERTY ←
18 OWNER AND THE MUNICIPALITY.

19 (2) IN THE EVENT THAT THE APPROPRIATE STATE AGENCY, ←
20 MUNICIPALITY OR SCHOOL DISTRICT FAILS TO ISSUE A LETTER
21 INDICATING EITHER TAX OR CODE COMPLIANCE OR NONCOMPLIANCE, AS
22 THE CASE MAY BE, WITHIN 45 DAYS OF THE REQUEST, THE PROPERTY
23 IN QUESTION SHALL BE DEEMED TO BE IN COMPLIANCE FOR THE
24 PURPOSE OF THIS SECTION. THE APPROPRIATE STATE AGENCY,
25 MUNICIPALITY OR SCHOOL DISTRICT SHALL SPECIFY THE FORM IN
26 WHICH THE REQUEST FOR A COMPLIANCE LETTER SHALL BE MADE.

27 ~~(2)~~ (3) Letters required under this subsection SECTION ←
28 shall be verified by the appropriate municipal officials
29 before issuing to the applicant a municipal variance, ←
30 approval, permit or license PERMIT. ←

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

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

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

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

20 (B) THE OWNER OWNS REAL PROPERTY SATISFYING THE
21 CONDITIONS OF SUBSECTION (A).

22 (c) Applicability of other law.--A denial of a building
23 permit, zoning permit, zoning variance, municipal license,
24 municipal permit or municipal approval for contemplated actions
25 that requires approval of a municipality PERMIT shall be subject
26 to the provisions of 2 Pa.C.S. Chs. 5 Subch. B (relating to
27 practice and procedure of local agencies) and 7 Subch. B
28 (relating to judicial review of local agency action) OR THE
29 PENNSYLVANIA MUNICIPALITIES PLANNING CODE, FOR DENIALS SUBJECT
30 TO THE ACT.

SUBCHAPTER D

MISCELLANEOUS PROVISIONS

Sec.

6141. Education and training programs for judges.

6142. County housing courts.

6143. Conflict with other laws.

6144. RELIEF FOR INHERITED PROPERTY.

6145. CONSTRUCTION.

§ 6141. Education and training programs for judges.

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

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

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

(3) Conduct of witnesses in prosecuting code violations.

(4) Limiting continuances in code violations.

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

§ 6142. County housing courts.

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

§ 6143. Conflict with other law.

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

9 § 6144. RELIEF FOR INHERITED PROPERTY. ←

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

18 § 6145. CONSTRUCTION.

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

22 Section 2 3. This act shall take effect in ~~90~~ 180 days. ←