

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1451 Session of
2011INTRODUCED BY ROSS, GINGRICH, CREIGHTON, FREEMAN AND
SANTARSIERO, MAY 3, 2011AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 24, 2011

AN ACT

1 Amending the act of July 7, 1947 (P.L.1368, No.542), entitled,
2 as amended, "An act, amending, revising and consolidating the
3 laws relating to delinquent county, city, except of the first
4 and second class and second class A, borough, town, township,
5 school district, except of the first class and school
6 districts within cities of the second class A, and
7 institution district taxes, providing when, how and upon what
8 property, and to what extent liens shall be allowed for such
9 taxes, the return and entering of claims therefor; the
10 collection and adjudication of such claims, sales of real
11 property, including seated and unseated lands, subject to the
12 lien of such tax claims; the disposition of the proceeds
13 thereof, including State taxes and municipal claims recovered
14 and the redemption of property; providing for the discharge
15 and divestiture by certain tax sales of all estates in
16 property and of mortgages and liens on such property, and the
17 proceedings therefor; creating a Tax Claim Bureau in each
18 county, except counties of the first and second class, to act
19 as agent for taxing districts; defining its powers and
20 duties, including sales of property, the management of
21 property taken in sequestration, and the management, sale and
22 disposition of property heretofore sold to the county
23 commissioners, taxing districts and trustees at tax sales;
24 providing a method for the service of process and notices;
25 imposing duties on taxing districts and their officers and on
26 tax collectors, and certain expenses on counties and for
27 their reimbursement by taxing districts; and repealing
28 existing laws," providing for additional costs for
29 rehabilitation and maintenance.

30 The General Assembly of the Commonwealth of Pennsylvania
31 hereby enacts as follows:

1 Section 1. The act of July 7, 1947 (P.L.1368, No.542), known
2 as the Real Estate Tax Sale Law, is amended by adding a section
3 to read:

4 Section 612.3. Additional Costs for Rehabilitation and
5 Maintenance.--(a) Notwithstanding any limitations contained in
6 section 206, in the case of property exposed to upset sale and
7 not sold at upset sale, the bureau may incur, and may recover as
8 costs FROM PROCEEDS PRIOR TO ANY DISTRIBUTION in any subsequent ←
9 sale to the extent authorized by this or any other act, the
10 following:

11 (1) Costs of rehabilitation and maintenance as may be, in
12 the sole discretion of the bureau, reasonably necessary to
13 address safety issues or restore or maintain the property in a
14 salable condition.

15 (2) Costs of rehabilitation and maintenance necessary to
16 ensure the property is maintained in compliance with property
17 maintenance codes.

18 (b) Nothing in this section shall be construed as creating
19 any affirmative duty on the part of the county or bureau to
20 rehabilitate or maintain property or as imposing any liability
21 on a county or bureau for injuries to persons or property that
22 may occur on property subject to rehabilitation and maintenance
23 under this section.

24 (c) As used in this section, the following terms shall have
25 the following meanings:

26 (1) "Costs of rehabilitation," costs and expenses for
27 construction, stabilization, rehabilitation, demolition and
28 reasonable nonconstruction costs, including, but not limited to,
29 environmental remediation, architectural, engineering and legal
30 fees, permits, financing fees and insurance costs. The term

1 shall not include construction of new structures.

2 (2) "Costs of maintenance," costs and expenses for materials
3 and services related to the upkeep or preservation of the
4 condition of the property, including ordinary and necessary
5 repairs.

6 (3) "Property maintenance codes," municipal ordinances which
7 regulate the maintenance or development of real property. The
8 term includes, but is not limited to, building codes, housing
9 codes and public safety codes.

10 Section 2. This act shall take effect immediately.