
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 773 Session of
2015

INTRODUCED BY MASSER, COHEN, HELM, KORTZ, JAMES, MILLARD,
GODSHALL, HEFFLEY, SCHLOSSBERG, LAWRENCE, FLYNN, BROWNLEE,
HARHAI, GOODMAN, ROSS, STAATS, DEASY AND MURT, MARCH 10, 2015

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MARCH 10, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 providing for ten-year limitation and for mesne profits and
4 further providing for twenty-one year limitation.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding sections to read:

9 § 5527.1. Ten-year limitation.

10 (a) Adverse possession.--Title to real property may be
11 acquired after no less than 10 years of actual, continuous,
12 exclusive, visible, notorious, distinct and hostile possession
13 of the real property.

14 (b) Contiguous lots.--

15 (1) Where an additional lot abuts and is contiguous to
16 real property and has been regularly used as part of and
17 incident to the real property, a possessor who seeks to
18 acquire title to real property under this section may also

1 include the contiguous lot in the action to quiet title under
2 subsection (c).

3 (2) In order to acquire title to the contiguous lot, the
4 possessor must show that:

5 (i) The area of the contiguous lot as described by
6 the metes and bounds does not exceed a total area of
7 one-half acre when combined with the real property.

8 (ii) The possessor has made actual, continuous,
9 exclusive, visible, notorious, distinct and hostile
10 possession of the contiguous lot for a period of not less
11 than 10 years.

12 (c) Quiet title action required.--

13 (1) A possessor who seeks to acquire title to real
14 property under this section must, after meeting the
15 requirements of subsections (a) and (b), commence a quiet
16 title action and provide notice as required in this section.

17 (2) Notice of the action shall include information
18 relating to the respondent's opportunity to cure as specified
19 in subsection (d) and shall be provided to the record owners,
20 their heirs, successors and assigns.

21 (3) Notice shall be provided in a form approved by rule
22 of the Pennsylvania Supreme Court, which form shall include
23 the metes and bounds description, deed reference, street
24 address, postal zip code, uniform parcel identifier or tax
25 parcel number and the notices of the one-year period to cure
26 as stated in subsection (d).

27 (d) One-year notice.--

28 (1) The record owners or their heirs, successors and
29 assigns shall have one year in which to respond by commencing
30 an action in ejectment against the possessor, which action

1 disputes the claim of adverse possession.

2 (2) (i) If an action in ejectment is so filed and
3 served in accordance with the requirements of this
4 section and the verdict and judgment in the ejectment
5 action are rendered in favor of the record owners, or
6 their heirs, successors and assigns, then both the 10-
7 year statute of limitations set forth in this section and
8 the 21-year statute of limitations set forth in section
9 5530 (relating to twenty-one year limitation) are tolled,
10 and the court shall render a judgment in favor of the
11 record owners, or their heirs, successors and assigns,
12 disposing of the quiet title action.

13 (ii) The period for running the statute of
14 limitations for any subsequent claim seeking title by
15 adverse possession under this section or section 5530
16 shall commence at a date not earlier than the date of the
17 judgment granting the relief requested in the ejectment
18 action.

19 (3) If no action in ejectment is so filed and served
20 within the one-year period, then judgment may be entered by
21 the court granting title to the real property by adverse
22 possession pursuant to this section and the Pennsylvania
23 Rules of Civil Procedure.

24 (4) A judgment granting title by adverse possession
25 pursuant to this section shall not, in and of itself:

26 (i) discharge, terminate or give rise to a
27 presumption of satisfaction or release of any interest in
28 the property that runs with title to the property,
29 including, but not limited to, easements, profits,
30 covenants, mortgages, liens, judgments and leases; or

1 (ii) otherwise extend or limit the period of time in
2 which claims relating to the property may be asserted
3 against a possessor granted title by a judgment of
4 adverse possession.

5 (e) Limitations.--

6 (1) This section shall not apply to real property that
7 is part of a common interest ownership community established
8 under 68 Pa.C.S. Pt. II Subpts. B (relating to condominiums),
9 C (relating to cooperatives) and D (relating to planned
10 communities).

11 (2) Relief may be granted under this section only if the
12 relief is consistent with the existing zoning plan and with
13 any duly adopted land use ordinance or other provision.

14 (f) Definition.--As used in this section, "real property"
15 means real estate not exceeding one-half acre in area that is:

16 (1) Improved by a single-family dwelling that is and has
17 been occupied by a possessor seeking title under this section
18 for the full 10 years.

19 (2) Identified as a separate lot in a recorded
20 conveyance, recorded subdivision plan or recorded official
21 map or plan of a municipality.

22 § 5527.2. Mesne profits.

23 (a) General rule.--Record owners, their heirs, successors
24 and assigns shall have the right to seek any mesne profits in an
25 action in ejectment filed in response to the notice served under
26 section 5527.1 (relating to ten-year limitation) or waive the
27 right to such recovery.

28 (b) Limitation on recovery.--Recovery shall be limited to
29 the mesne profits applicable to the six-year period ending with
30 the commencement of the action in ejectment under section

1 5527(b) (relating to six year limitation).

2 § 5527.3. Reimbursement.

3 The defendant in the ejectment action under section 5527.1
4 (relating to ten-year limitation) shall have the right to
5 recover such costs for maintenance, improvements, repairs,
6 renovations, taxes or other such expenses to benefit the real
7 property as the defendant can prove by a preponderance of the
8 evidence that were or should have been the responsibility of the
9 record owners, their heirs, successors and assigns.

10 Section 2. Section 5530(a)(1) of Title 42 is amended to
11 read:

12 § 5530. Twenty-one year limitation.

13 (a) General rule.--The following actions and proceedings
14 must be commenced within 21 years:

15 (1) [An] Except as provided in section 5527.1 (relating
16 to ten-year limitation), an action for the possession of real
17 property.

18 * * *

19 Section 3. This act shall take effect in one year.