

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 851** Session of  
2017

INTRODUCED BY ARGALL, MCGARRIGLE, RAFFERTY, WARD, BARTOLOTTA,  
RESCHENTHALER, VULAKOVICH, BROWNE AND MENSCH,  
SEPTEMBER 12, 2017

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 23, 2018

## AN ACT

1 Amending the act of July 7, 1947 (P.L.1368, No.542), entitled  
2 "An act amending, revising and consolidating the laws  
3 relating to delinquent county, city, except of the first and  
4 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," in short title and definitions, further  
29 providing for definitions; and, in sale of property, further  
30 providing for repurchase by owner and providing for  
31 limitation on trusteeship and for ownership interests and

1 responsibilities of delinquent property owner.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Section 102 of the act of July 7, 1947 (P.L.1368,  
5 No.542), known as the Real Estate Tax Sale Law, is amended by  
6 adding a definition to read:

7 Section 102. Definitions.--As used in this act, the  
8 following words shall be construed as herein defined, unless the  
9 context clearly indicates otherwise:

10 \* \* \*

11 "Delinquent property owner," a person, whose taxes on the  
12 subject property are delinquent and in whose name the property  
13 is last registered, if registered according to law or, if not  
14 registered according to law, the person whose name last appears  
15 as an owner of record on a deed or instrument of conveyance  
16 recorded in the county office designated for recording. In all  
17 other cases, the term means a person in open, peaceable and  
18 notorious possession of property as apparent owner or reputed  
19 owner of the property.

20 \* \* \*

21 Section 2. Section 618 of the act is amended by adding a  
22 subsection to read:

23 Section 618. Repurchase by Owner.--\* \* \*

24 (a.1) Notwithstanding subsection (a), if a property remains  
25 unsold after an upset sale and on the docket of a bureau, the  
26 bureau may accept full payment for the property from or on  
27 behalf of the owner. Full payment shall include the upset sale <--  
28 price of the property calculated under section 605, plus any  
29 additional tax claims, tax liens or tax judgments filed or  
30 entered against the property and any costs, fees expenses or

1 ~~interest incurred or accrued on the property subsequent to the~~  
2 ~~upset sale.~~ ALL DELINQUENT TAXES RETURNED TO THE BUREAU AND ANY <--  
3 COSTS, PENALTIES AND INTEREST DUE AT THE TIME THE OWNER APPEARS  
4 TO PAY THE TAXES. The bureau may not accept partial payments or  
5 enter into an installment agreement with an owner whose property  
6 remains unsold after an upset sale. The receipt of full payment  
7 pursuant to this subsection shall discharge the tax claims, tax <--  
8 ~~liens or tax judgments~~ entered against the property. The subject  
9 property shall be removed from further exposure to sale, and a  
10 note thereof shall be made on the docket and index.

11 \* \* \*

12 Section 3. Article VI of the act is amended by adding a  
13 subarticle to read:

14 (g) Ownership and Maintenance of Property.

15 Section 641. Limitation on Trusteeship.--(a) A county or  
16 bureau shall hold property subject to sale under this act only  
17 as trustee and shall exercise FOR THE PURPOSE OF EXERCISING only <--  
18 such control over the property as may be necessary or implied in  
19 order to convey the property or otherwise further the purposes  
20 of this act.

21 (b) A county or bureau shall not have any civil or criminal  
22 liability or have any obligation for maintenance or for nuisance  
23 remediation of tax-delinquent property, regardless of whether  
24 the property has been exposed to an upset sale OR OTHER SALE <--  
25 UNDER THIS ACT, unless the county or bureau purchases the  
26 property as provided in section 612.1. A trusteeship under this  
27 act shall not be considered the care, custody or control of real  
28 property under 42 Pa.C.S. § 8542(b)(3) (relating to exceptions  
29 to governmental immunity).

30 (c) Notwithstanding subsection (b), a county or bureau may,

1 at its discretion and subject to section 612.3, rehabilitate and  
2 maintain property of which the county or bureau is a trustee  
3 without consent of the delinquent property owner. This  
4 authorization shall not diminish the responsibility of a  
5 delinquent property owner as provided in section 642.

6 Section 642. Ownership Interests and Responsibilities of  
7 Delinquent Property Owner.--(a) At the time a property that is  
8 tax delinquent is exposed to, but not sold at, an upset sale,  
9 legal title to the property shall remain with the delinquent  
10 property owner until the bureau transfers the deed as trustee  
11 grantor to a purchaser.

12 (b) Nothing in this act shall be construed to relieve a  
13 delinquent property owner of civil or criminal liability or for  
14 an obligation for maintenance or for nuisance remediation of the  
15 tax-delinquent property to the extent the liability is imposed  
16 by law or ordinance.

17 Section 4. This act shall apply to sales conducted on or  
18 after the effective date of this section.

19 Section 5. This act shall take effect in 60 days.