

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 188 Session of  
2019

---

INTRODUCED BY QUINN, COX, SIMMONS AND BARRAR, JANUARY 28, 2019

---

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 28, 2019

---

AN ACT

1 Providing for property owner's bill of rights statement.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Property  
6 Owner's Bill of Rights Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Acquiring agency." The term shall have the same meaning as  
12 provided under 26 Pa.C.S. § 103 (relating to definitions).

13 "Condemn." The term shall have the same meaning as provided  
14 under 26 Pa.C.S. § 103.

15 Section 3. Property owner's bill of rights statement.

16 (a) General rule.--The Attorney General shall prepare a  
17 written statement that includes a bill of rights for an owner  
18 whose property may be condemned by an acquiring agency through

1 the use of the agency's eminent domain authority under 26  
2 Pa.C.S. (relating to eminent domain).

3 (b) Bill of rights.--The property owner's bill of rights  
4 must notify the property owner of the right to:

5 (1) notice of the proposed acquisition of the owner's  
6 property;

7 (2) just compensation and other damages for the property  
8 condemned;

9 (3) a hearing under 26 Pa.C.S. Ch. 5 (relating to  
10 procedure for determining damages) to determine just  
11 compensation and measure of damages; and

12 (4) an appeal of a judgment in a condemnation  
13 proceeding, including an appeal of an assessment of damages.

14 Section 4. Written statement.

15 (a) Requirement.--The written statement under section 3(a)  
16 shall include all of the following:

17 (1) The title "Property Owner's Bill of Rights."

18 (2) A description of each of the following:

19 (i) The procedure to condemn under 26 Pa.C.S. Ch. 3  
20 (relating to procedure to condemn).

21 (ii) The procedure for determining damages under 26  
22 Pa.C.S. Ch. 5 (relating to procedure for determining  
23 damages).

24 (iii) The acquiring agency's obligations to the  
25 property owner.

26 (iv) The property owner's rights during a  
27 condemnation, including the right of appeal.

28 (b) Construction.--The written statement shall:

29 (1) Be in plain language easily understood by the  
30 average property owner.

1           (2) Be provided by the acquiring agency with the written  
2 notice required under 26 Pa.C.S. § 305(a) (relating to notice  
3 to condemnee).

4           (3) Be available on the Office of Attorney General's  
5 publicly accessible Internet website.

6 Section 5. Notice.

7           The property owner's bill of rights shall be provided to the  
8 last known address of the property owner at least seven days  
9 before the agency's declaration of taking under 26 Pa.C.S. § 302  
10 (relating to declaration of taking).

11 Section 6. Disclaimer.

12           The written statement provided under section 3 shall include  
13 a disclaimer that the information provided in the property  
14 owner's bill of rights pertains only to real property subject to  
15 an acquiring agency's authority under 26 Pa.C.S. (relating to  
16 eminent domain) and is not legal advice or intended to be a  
17 substitute for legal counsel.

18 Section 7. Effective date.

19           This act shall take effect in 60 days.