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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2059 Session of  
2019

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INTRODUCED BY RIGBY, NOVEMBER 19, 2019

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REFERRED TO COMMITTEE ON URBAN AFFAIRS, NOVEMBER 19, 2019

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AN ACT

1 Amending the act of December 20, 2000 (P.L.724, No.99), entitled  
2 "An act requiring purchasers of real estate with buildings  
3 thereon to bring the buildings into compliance with municipal  
4 codes; providing for nuisance abatement; and imposing  
5 penalties," further providing for definitions, for issuance  
6 of use and occupancy certificate, for applicability and for  
7 compliance requirement.

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

10 Section 1. The definitions of "temporary access certificate"  
11 and "temporary use and occupancy certificate" in section 2 of  
12 the act of December 20, 2000 (P.L.724, No.99), known as the  
13 Municipal Code and Ordinance Compliance Act, are amended to  
14 read:

15 Section 2. Definitions.

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

19 \* \* \*

20 ["Temporary access certificate." A certificate issued by a  
21 municipality as a result of the municipal inspection of a

1 property incident to the resale of the property that identifies  
2 at least one substantial violation, and the purpose of the  
3 certificate is to authorize the purchaser to access the property  
4 for the purpose of correcting substantial violations pursuant to  
5 the maintenance and repair provisions of this act. No person may  
6 occupy a property during the term of a temporary access  
7 certificate, but the owner shall be permitted to store  
8 personalty that is related to the proposed use or occupancy of  
9 the property or is needed to repair the substantial violations  
10 during the time of the temporary access certificate.]

11 "Temporary use and occupancy certificate." A certificate  
12 issued by a municipality as a result of the municipal inspection  
13 of a property incident to the resale of the property that  
14 reveals a violation [but no substantial violation], and the  
15 purpose of the certificate is to authorize the purchaser to  
16 fully utilize or reside in the property while correcting  
17 violations pursuant to the maintenance and repair provisions of  
18 this act.

19 \* \* \*

20 Section 2. Sections 2.1(a) and 2.2(a) of the act are amended  
21 to read:

22 Section 2.1. Issuance of use and occupancy certificate.

23 (a) General rule.--A municipality requiring a use and  
24 occupancy certificate shall issue the certificate in the  
25 following manner:

26 (1) If the municipal inspection reveals no violations.

27 (2) If the municipal inspection reveals at least one  
28 violation, but no substantial violations, the municipality  
29 shall issue a temporary use and occupancy certificate.

30 (3) If the municipal inspection reveals at least one

1 substantial violation, the municipality shall [specifically  
2 note those items on the inspection report and shall issue a  
3 temporary access certificate.] note the violation in the  
4 inspection report and may, at its discretion with regard to  
5 human habitability, either:

6 (i) withhold a use and occupancy certificate for the  
7 property until the substantial violation is corrected; or

8 (ii) allow the occupants to remain in the property  
9 with a temporary use and occupancy permit while the  
10 violation is corrected within the time period specified  
11 in section 3(a), or another time period deemed by the  
12 municipality as reasonable for the correction of the  
13 violation.

14 Nothing in this subsection shall be construed to prohibit a  
15 property owner or a property owner's designee from accessing  
16 the property for the purpose of correcting a violation in  
17 compliance with section 3(a).

18 \* \* \*

19 Section 2.2. Applicability.

20 (a) Applicability.--Except as set forth in subsection (b),  
21 this act shall not apply to, and a municipality may not require,  
22 a certificate of occupancy[,], or a temporary use and occupancy  
23 certificate [or a temporary access certificate] for a real  
24 estate transfer, including a residential or nonresidential  
25 transfer, as provided under 68 Pa.C.S. § 7103(b)(2) (relating to  
26 application of part), to any of the following which take title  
27 to property for the purpose of holding the property for sale to  
28 offset losses incurred on a loan or other obligation in default  
29 secured by a mortgage, deed of trust or other lien on the  
30 property:

- 1 (1) Bank.
- 2 (2) Savings association.
- 3 (3) Credit union.
- 4 (4) Mortgage lender.
- 5 (5) Financial institution similar to an institution
- 6 listed in paragraphs (1) through (4).
- 7 (6) Subsidiary of a financial institution listed in
- 8 paragraphs (1) through (5).

9 \* \* \*

10 Section 3. Section 3(a) and (a.2)(2) of the act are amended  
11 and the section is amended by adding a subsection to read:  
12 Section 3. Compliance requirement.

13 (a) General rule.--Within 12 months of the date of purchase,  
14 the purchaser of a property known to be in violation or  
15 substantial violation of a municipal code or ordinance shall, at  
16 his option, either:

- 17 (1) bring the property into compliance with municipal
- 18 codes or ordinances; or
- 19 (2) demolish the building or structure in accordance
- 20 with law.

21 \* \* \*

22 (a.2) Reinspection of property.--

23 \* \* \*

24 (2) If [a temporary access permit has been issued and  
25 reinspection indicates that] the noted substantial violations  
26 have been corrected but other cited violations have not yet  
27 been corrected, and no other violation that makes the  
28 property unfit for human habitation exists on the property,  
29 the municipality shall issue a temporary use and occupancy  
30 permit to be valid for the time remaining on the original

1 temporary access permit.

2 \* \* \*

3 (a.3) Suspension of duty to pay rent.--

4 (1) Notwithstanding any other provision of law or  
5 agreement, whether oral or in writing, to the contrary,  
6 whenever a municipality finds a substantial violation or  
7 certifies a dwelling as unfit for human habitation, the duty  
8 of a tenant of the dwelling to pay, and the right of the  
9 landlord to collect, rent shall be suspended without  
10 affecting any other term or condition of the landlord-tenant  
11 relationship until the dwelling is certified as fit for human  
12 habitation or the tenancy is terminated for a reason other  
13 than nonpayment of rent.

14 (2) During a period when the duty to pay rent is  
15 suspended and the tenant continues to occupy the dwelling,  
16 the rent withheld shall be deposited by the tenant in an  
17 escrow account in a bank or trust company approved by the  
18 municipality and shall be paid to the landlord when the  
19 dwelling is certified as fit for human habitation at any time  
20 within six months from the date on which the dwelling was  
21 certified as unfit for human habitation.

22 (3) If, at the end of six months after the certification  
23 of a dwelling as unfit for human habitation, the dwelling has  
24 not been certified as fit for human habitation, any money  
25 deposited in escrow on account of continued occupancy shall  
26 be payable to the depositor, except that any money deposited  
27 in escrow may be used, for the purpose of making the dwelling  
28 fit for human habitation and paying utility services for  
29 which the landlord is obligated but which the landlord  
30 refuses or is unable to pay.

1           (4) No tenant may be evicted for any reason while rent  
2           is deposited in escrow in accordance with this subsection.

3           \* \* \*

4           Section 4. This act shall take effect in 60 days.