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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 174 Session of  
2019

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INTRODUCED BY BROWNE, MENSCH, YAW, K. WARD, COSTA, STEFANO,  
KILLION, BREWSTER, HAYWOOD, SCHWANK, TARTAGLIONE AND  
YUDICHAK, FEBRUARY 1, 2019

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REFERRED TO URBAN AFFAIRS AND HOUSING, FEBRUARY 1, 2019

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AN ACT

1 Providing for the tax sale of abandoned properties.

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 Abandoned  
6 Property Tax Sale Act.

7 Section 2. Findings and declarations.

8 The General Assembly finds and declares as follows:

9 (1) Pennsylvania's older communities are vital to the  
10 Commonwealth's economic health by providing a focal point for  
11 businesses and services, and to the Commonwealth's quality of  
12 life with their rich histories and diversity. However, many  
13 older communities suffer from blighted properties that have  
14 been abandoned by their owners.

15 (2) The residents of this Commonwealth are adversely  
16 affected by abandoned, blighted and tax-delinquent  
17 residential, commercial and industrial properties, including

1 those residents who live or work in proximity to substandard  
2 buildings, as well as those who own property in the vicinity  
3 of the buildings.

4 (3) Abandoned, blighted and tax-delinquent residential,  
5 commercial and industrial structures pose a safety threat and  
6 public nuisance, and their blighting effect diminishes the  
7 value of nearby property.

8 (4) If these buildings are not demolished or  
9 rehabilitated and brought into code compliance, they are  
10 likely to remain abandoned and further deteriorate, resulting  
11 in increased cost to the Commonwealth, municipalities and  
12 taxpayers to secure and ultimately demolish these buildings.

13 (5) Properties sold at tax sale sometimes remain  
14 blighted and become tax delinquent again.

15 (6) Providing a mechanism to remove or transform  
16 abandoned, blighted and tax-delinquent buildings into  
17 productive reuse is an opportunity for communities to  
18 modernize, revitalize and grow, and to improve both the local  
19 economy and the quality of life for neighbors.

20 (7) The General Assembly declares that it is in the best  
21 interests of the Commonwealth, municipalities and communities  
22 to establish a process, as provided under this act, for  
23 declaring properties abandoned and ensuring that the  
24 properties, when purchased at tax sale, will be demolished or  
25 rehabilitated and returned to productive use.

### 26 Section 3. Definitions.

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

30 "Abandoned property."

1           (1) A property on which there is a building that has not  
2 been legally occupied for at least the previous 12 months and  
3 of which the municipality finds at least one of the  
4 following:

5           (i) The building is a public nuisance.

6           (ii) The building is in need of substantial  
7 rehabilitation and no rehabilitation has taken place  
8 during the previous 12 months.

9           (iii) The building is unfit for human habitation,  
10 occupancy or use.

11           (iv) The condition and vacancy of the building  
12 materially increases the risk of fire to the building and  
13 to adjacent properties.

14           (v) The building is subject to unauthorized entry  
15 leading to potential health and safety hazards, and the  
16 owner has failed to take reasonable and necessary  
17 measures to secure the building or the municipality has  
18 secured the building in order to prevent the hazards  
19 after the owner has failed to do so.

20           (vi) The property is an attractive nuisance to  
21 children, including the presence of abandoned wells,  
22 shafts, basements, excavation and unsafe structures.

23           (vii) The presence of vermin or the accumulation of  
24 debris, uncut vegetation or physical deterioration of the  
25 structure or grounds has created potential health and  
26 safety hazards, and the owner has failed to take  
27 reasonable and necessary measures to remove the hazards.

28           (viii) The dilapidated appearance or other condition  
29 of the building negatively affects the economic well-  
30 being of residents and businesses in close proximity to

1 the building, including decreases in property value and  
2 loss of business, and the owner has failed to take  
3 reasonable and necessary measures to remedy the  
4 conditions.

5 (ix) The property is an attractive nuisance for  
6 illicit purposes, including prostitution, drug use and  
7 vagrancy.

8 (2) The term includes structures if the structures are  
9 the only improvements on the property.

10 (3) The term does not include auxiliary structures that  
11 are incidental to the main building on the property.

12 "Municipality." A city of the first class, second class,  
13 second class A or third class, an incorporated town, a township  
14 of the first class or second class or a borough.

15 "Public nuisance." A property that, because of physical  
16 condition or use, is regarded as a public nuisance at common law  
17 or has been declared a public nuisance in accordance with the  
18 local housing, building, health, fire or related codes.

19 Section 4. Publication of notice and review by municipality.

20 (a) List.--At least 60 days prior to the date scheduled for  
21 a tax sale, the county shall make public a list of properties to  
22 be offered at the sale. The county shall provide a copy of the  
23 list to the mayor, or comparable municipal official, of a  
24 municipality where a property scheduled for sale is located.

25 (b) Notification.--Within 30 days of receipt of the list  
26 under subsection (a), the municipality may notify the county of  
27 abandoned properties within the municipality's jurisdiction.

28 (c) Sale.--No less than 15 days prior to the scheduled tax  
29 sale, the county shall make public a revised list of properties  
30 to be offered for sale, indicating the abandoned properties.

1 Section 5. Requirements for purchaser of abandoned properties.

2 In addition to any other requirements of the act of May 16,  
3 1923 (P.L.207, No.153), referred to as the Municipal Claim and  
4 Tax Lien Law, the act of July 7, 1947 (P.L.1368, No.542), known  
5 as the Real Estate Tax Sale Law, or the act of October 11, 1984  
6 (P.L.876, No.171), known as the Second Class City Treasurer's  
7 Sale and Collection Act, the purchaser of an abandoned property  
8 shall do all of the following:

9 (1) Within 30 days of the sale and prior to the transfer  
10 of title, enter into a redevelopment agreement with the  
11 municipality where the property is located or, at the option  
12 of the municipality, with the redevelopment authority  
13 obligating the purchaser to redevelop the property in  
14 accordance with all municipal codes and officially adopted  
15 plans for the geographic area in which the property is  
16 located. If the municipality or the redevelopment authority  
17 determines that demolition of the building is appropriate,  
18 the purchaser may demolish instead of redeveloping the  
19 property. The redevelopment plan shall include all of the  
20 following at a minimum:

21 (i) A specified time that the redevelopment or  
22 demolition must be completed.

23 (ii) A description of the redevelopment work or  
24 demolition to be completed.

25 (iii) Remedies for noncompliance, including the  
26 right of the municipality or redevelopment authority to  
27 acquire title to the property if the redevelopment or  
28 demolition is not completed by the agreed-upon date.

29 (2) Within 30 days of the sale and prior to the transfer  
30 of title, post a bond to ensure compliance with the

1        redevelopment agreement, naming the municipality or  
2        redevelopment authority as the beneficiary.  
3 Section 6.    Effective date.  
4        This act shall take effect in 90 days.