

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 941 Session of 2019

INTRODUCED BY DiSANTO, ARGALL, BROWNE, MENSCH, YUDICHAK,
BREWSTER, MASTRIANO AND K. WARD, NOVEMBER 18, 2019

REFERRED TO URBAN AFFAIRS AND HOUSING, NOVEMBER 18, 2019

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 notice of sale, for deed, for hearing and order
 31 for judicial sale and for additional restrictions and
 32 providing for condemnation orders.

33 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

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

8 * * *

9 "Condemnation order," a declaration by an authorized official
10 of a municipality that a dwelling, building, structure or
11 premises is unfit for human habitation or other use or
12 conditions exist that are dangerous or injurious to the health
13 or safety of the occupants of the dwelling, building, structure
14 or premises, the occupants of neighboring dwellings or other
15 residents of the municipality and which declaration includes a
16 demand for the owner to take corrective action to the dwelling,
17 building, structure or premises.

18 * * *

19 Section 2. Section 602(a) of the act is amended and the
20 section is amended by adding subsections to read:

21 Section 602. Notice of Sale.--(a) At least thirty (30) days
22 prior to any scheduled sale the bureau shall give notice
23 thereof, not less than once in two (2) newspapers of general
24 circulation in the county, if so many are published therein, and
25 once in the legal journal, if any, designated by the court for
26 the publication of legal notices. Such notice shall set forth
27 (1) the purposes of such sale, (2) the time of such sale, (3)
28 the place of such sale, (4) the terms of the sale including the
29 approximate upset price, (5) the descriptions of the properties
30 to be sold as stated in the claims entered and the name of the

1 owner and (6) the statements set forth in subsection (j).

2 * * *

3 (g.1) For properties subject to condemnation orders, all
4 notices required by this section other than the newspaper notice
5 and notice in the legal journal shall contain the following
6 provision which shall be conspicuously placed upon said notices
7 and set in at least 10-point type in a box as follows:

8 NOTICE RELATING TO CONDEMNATION ORDER

9 "YOUR PROPERTY IS SUBJECT TO A CONDEMNATION ORDER BY THE
10 MUNICIPALITY IN WHICH YOUR PROPERTY IS LOCATED. YOUR PROPERTY
11 HAS BEEN DECLARED UNFIT FOR HUMAN HABITATION AND PLACARDED TO
12 PREVENT ITS ILLEGAL USE UNTIL THE PROPERTY IS BROUGHT INTO
13 COMPLIANCE WITH APPLICABLE CODES. THE DETAILS CONCERNING THE
14 CONDEMNATION ORDER MAY BE OBTAINED FROM THE PUBLIC MUNICIPAL
15 RECORDS AND DISCUSSIONS WITH THE MUNICIPAL CODE ENFORCEMENT
16 OFFICIALS. A PURCHASER OF YOUR PROPERTY IS REQUIRED BY LAW TO
17 ACKNOWLEDGE THE EXISTENCE OF THE CONDEMNATION ORDER AND IS
18 LIABLE FOR BRINGING THE PROPERTY INTO COMPLIANCE WITHOUT FURTHER
19 NOTICE. THE PURCHASER WILL BE SUBJECT TO FINES AND OTHER
20 ENFORCEMENT REMEDIES FOR FAILURE TO COMPLY WITH THE CODES AND
21 AND MAY BE LIABLE FOR INJURY TO PERSONS AND PROPERTY DUE TO A
22 PARTIAL OR TOTAL COLLAPSE OF ANY STRUCTURE ON THE PROPERTY OR
23 OTHER EVENT, INCLUDING A PEST INFESTATION."

24 * * *

25 (j) The newspaper notice and notice in the legal journal
26 required by this section shall include the following statements:

27 "Some of the properties listed for sale in this notice
28 are subject to condemnation orders by the municipalities in
29 which the properties are located. The properties subject to
30 condemnation orders are indicated on the list. A property

1 subject to a condemnation order has been declared unfit for
2 human habitation and placarded to prevent its illegal use
3 until the property is brought into compliance with applicable
4 codes. The details concerning the condemnation order may be
5 obtained from the public municipal records and discussions
6 with the municipal code enforcement officials. Purchasers of
7 the properties subject to the condemnation orders are
8 required by law to acknowledge the existence of the
9 condemnation orders and are liable for bringing the
10 properties into compliance without further notice. The
11 purchasers of properties subject to condemnation orders will
12 be subject to fines and other enforcement remedies, upon
13 taking deed to the property, for failure to comply with the
14 codes and may be liable for injury to persons and property
15 due to a partial or total collapse of any structure on the
16 property or other event, including a pest infestation."

17 Section 3. Sections 608 and 612(a) of the act are amended to
18 read:

19 Section 608. Deed.--After the court has confirmed the sale
20 and the purchaser has paid the amount of his bid, it shall be
21 the duty of the bureau to make to the said purchaser, his or
22 their heirs or assigns a deed in fee simple for the property
23 sold. Before recording the deed, the bureau shall attach to the
24 deed any condemnation order for such property as provided by the
25 applicable municipality. Each such deed shall be in the name of
26 the bureau as trustee grantor and shall be executed and duly
27 acknowledged before the prothonotary by the director and a
28 notation of such deed and acknowledgement shall be duly entered
29 on the proper records. The deed and any attached condemnation
30 order shall, before delivery, be recorded in the office for the

1 recording of deeds at the cost of the purchaser.

2 Section 612. Hearing and Order for Judicial Sale.--

3 (a) If upon hearing, the court is satisfied that service of
4 the rule has been made upon the parties named in the rule, in
5 the manner provided by this act, and that the facts stated in
6 the petition are true, it shall order and decree that said
7 property be sold at a subsequent day to be fixed by the court,
8 freed and cleared of all tax and municipal claims, mortgages,
9 liens, charges and estates, except separately taxed ground rents
10 and condemnation orders that have not been vacated in accordance
11 with section 619.2(b), to the highest bidder, and that the
12 purchaser at such sale shall take and thereafter have an
13 absolute title to the property sold free and clear of all tax
14 and municipal claims, mortgages, liens, charges and estates of
15 whatsoever kind, except ground rents and condemnation orders
16 that have not been vacated in accordance with section 619.2(b),
17 separately taxed. Out of the proceeds of such sale shall be paid
18 the costs set forth in the upset price at the prior sale, and
19 the additional costs incurred relative to this sale, including
20 the fee for title search. The court order may specify that no
21 sale shall be made except to the county unless a bid equal to
22 such costs is offered. The remainder of said proceeds shall be
23 distributed by the office designated by the county commissioners
24 under section 205. After the purchaser shall have paid over the
25 purchase price, the bureau shall make and deliver a deed in the
26 manner hereinbefore provided.

27 * * *

28 Section 4. Section 619.1 of the act is amended by adding a
29 subsection to read:

30 Section 619.1. Additional Restrictions.--* * *

1 (a.1) Each purchaser at an upset or tax sale of a property
2 subject to a condemnation order shall, upon making the
3 successful bid, sign a written acknowledgment and deliver it to
4 the sheriff. The acknowledgment shall state that the purchaser
5 recognizes that, upon taking deed to the property, the purchaser
6 is subject to liability for fines and other enforcement remedies
7 for failure to comply with the codes and that the purchaser may
8 be liable for injury to persons and property due to a partial or
9 total collapse of any structure on the property or other event,
10 including a pest infestation.

11 * * *

12 Section 5. The act is amended by adding a section to read:

13 Section 619.2. Condemnation Orders.--(a) Notwithstanding
14 any other provision of law to the contrary, a municipal code
15 officer who issues a condemnation order on a property shall file
16 a copy of the condemnation order with the tax claim bureau of
17 the county in which the property is located within fifteen (15)
18 days of issuance of the condemnation order. A copy of the
19 condemnation order may also be recorded by the municipal code
20 officer in the office for the recording of deeds within fifteen
21 (15) days of issuance of the condemnation order.

22 (b) If the municipal code officer determines that the
23 property upon which a condemnation order has been issued is no
24 longer in noncompliance with the applicable building and
25 property maintenance codes and vacates the condemnation order by
26 issuing a use and occupancy certificate for the property or
27 taking other similar action, the municipal code officer shall
28 file a statement with the tax claim bureau indicating that the
29 condemnation order has been vacated. The statement shall be
30 filed within fifteen (15) days of the condemnation order being

1 vacated. If the condemnation order was recorded with a deed
2 under subsection (a) or section 608, the statement shall also be
3 recorded by the municipal code officer in the office for the
4 recording of deeds at no cost and within fifteen (15) days of
5 the condemnation order being vacated.

6 Section 6. This act shall take effect in 60 days.