

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 264 Session of 2021

INTRODUCED BY HEFFLEY, WHEELAND, STRUZZI AND CIRESI,  
JANUARY 26, 2021

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JANUARY 26, 2021

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," adding provisions relating to bidder  
 29 registration before sale; and, in sale of property, further  
 30 providing for date of sale, for repurchase by owner, for  
 31 restrictions on purchases and for sale of property in  
 32 repository.

33 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

5 ARTICLE V-A

6 BIDDER REGISTRATION BEFORE SALE

7 Section 501-A. Duty to register.

8 (a) General rule.--A person that intends to bid at a  
9 scheduled upset sale or judicial sale must appear and register  
10 at the bureau not less than fourteen (14) days before the  
11 scheduled upset sale or judicial sale.

12 (b) Bids on multiple properties.--Except if a person intends  
13 to bid on more than one property at scheduled sales conducted on  
14 the same day in the same county, each time that a person intends  
15 to bid at a scheduled sale, the person must comply with  
16 subsection (a).

17 (c) Fee.--A county may establish a fee for filing an  
18 application to register under this article.

19 Section 502-A. Application.

20 In order to register for a scheduled upset sale or judicial  
21 sale, the person must submit an application that includes the  
22 following information:

23 (1) If the applicant is an individual, the individual's  
24 name, residential address and phone number.

25 (2) If the applicant is not an individual, the  
26 applicant's name, including the name of all officers,  
27 business address and phone number.

28 (3) If the applicant is a limited liability company, the  
29 names, business addresses and phone numbers of all members,  
30 managers and any other persons with any ownership interest or

1 right in the limited liability company.

2 (4) An affidavit stating that the applicant:

3 (i) is not delinquent in paying real estate taxes to  
4 any taxing district in this Commonwealth and that the  
5 applicant has no municipal utility bills, as defined in  
6 section 619.1(b), that are not more than one (1) year  
7 outstanding anywhere in this Commonwealth;

8 (ii) is not bidding for or acting as an agent for a  
9 person who is barred from participating in the sale under  
10 section 601(d);

11 (iii) has not, within the three (3) years preceding  
12 the filing of the application, engaged in a course of  
13 conduct or permitted an uncorrected housing code  
14 violation, as defined in section 619(e), to continue  
15 unabated after being convicted of an uncorrected housing  
16 code violation, as defined in section 619(e), and has not  
17 either:

18 (A) failed to maintain property owned by the  
19 applicant in a reasonable manner such that the  
20 property posed a threat to health, safety or  
21 property; or

22 (B) permitted the use of property in an unsafe,  
23 illegal or unsanitary manner such that the property  
24 posed a threat to health, safety or property; and

25 (iv) understands that an applicant who signs a  
26 bidder registration application knowing that it contains  
27 a false statement and who causes it to be filed with the  
28 bureau shall be subject to prosecution for the commission  
29 of a misdemeanor of the second degree in violation of 18  
30 Pa.C.S. § 4904(a) (relating to unsworn falsification to

1 authorities).

2 (5) If the applicant is not an individual, the applicant  
3 must include documentation that the signer has the authority  
4 to act on behalf of the applicant, and the individual  
5 appearing in person to register, as required under section  
6 501-A(a), is the signer of the application or otherwise  
7 authorized to act on behalf of the applicant.

8 Section 503-A. List of registered bidders.

9 A bureau shall provide a list of completed applications  
10 received under section 502-A to all municipalities by mail,  
11 email or facsimile within the county at least seven (7) days  
12 prior to the upset sale or judicial sale. The list shall provide  
13 the name, address and phone number of the applicant. For  
14 registered bidders that are not individuals, the bureau shall  
15 provide to all municipalities the names, business addresses and  
16 phone numbers of all officers, members, managers and any other  
17 persons with an ownership interest or right in the applicant as  
18 disclosed in the application.

19 Section 2. Sections 601(d), 618 heading, (a) and (c), 619(b)  
20 and 627(a) of the act are amended to read:

21 Section 601. Date of Sale.--\* \* \*

22 (d) No individual whose landlord license has been revoked in  
23 a municipality pursuant to its ordinance may purchase property  
24 in the county in which the local municipality is located at a  
25 tax sale under this act. [Every person bidding for property to  
26 be sold at a tax sale under this act must certify that they are  
27 not bidding for or acting as an agent for a person who is barred  
28 from participating in a sale under this subsection.] Pursuant to  
29 this subsection, a municipality shall furnish to the county in  
30 which such municipality is located, within forty-eight (48)

1 hours in advance of a tax sale, documentation relating to  
2 landlord license revocations pursuant to municipal ordinance.

3 \* \* \*

4 Section 618. Repurchase by Owner and Immediate Family

5 Members.--(a) The owner and immediate family members of the  
6 owner shall have no right to purchase [his own] the owner's  
7 property at a judicial sale, a private sale or from the bureau's  
8 repository for unsold property under the provisions of this act.

9 \* \* \*

10 (c) For the purpose of this section ["owner"]:

11 "Owner" means any individual, partner, shareholder, trust,  
12 partnership, limited partnership, corporation or any other  
13 business association or any trust, partnership, limited  
14 partnership, corporation or any other business association that  
15 has any individual as part of the business association who had  
16 any ownership interest or rights in the property.

17 Section 619. Restrictions on Purchases.--\* \* \*

18 (b) A municipality may, within fifteen (15) days [of] before  
19 or after any sale held under subarticle (b) of Article VI,  
20 petition the court of common pleas to prohibit the transfer of  
21 any deed for any property exposed for any sale under subarticle  
22 (b) of Article VI which is located in that municipality to any  
23 purchaser who is proven to meet any of the criteria set forth in  
24 the municipality's petition.

25 \* \* \*

26 Section 627. Sale of Property in Repository.--(a) The  
27 bureau may, with the written consent of all the taxing districts  
28 where the property is located, establish a minimum purchase  
29 price and accept an offer of any price equal to or greater than  
30 the minimum purchase price for property placed in the

1 "repository for unsold properties" without court approval and  
2 published notice of sale. The bureau shall require, as a  
3 condition of sale, that the purchaser provide an affidavit that  
4 includes the information specified under section 502-A. Any  
5 taxing district may not unreasonably withhold its consent to the  
6 sale of the property[.] and, if no consent is provided within  
7 sixty (60) days of the date notice was received by the taxing  
8 district, it shall be deemed that the taxing district consents  
9 to the sale of the property. As a condition of its consent, a  
10 taxing district may require that the purchaser:

11 (1) appear in person before the governing body of the  
12 taxing district charged with reviewing repository bids; and

13 (2) provide all of the information required under  
14 section 502-A.

15 \* \* \*

16 Section 3. This act shall take effect in 60 days.