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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1791 Session of  
2021

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INTRODUCED BY TWARDZIK, SCHLOSSBERG, MERSKI, HILL-EVANS, CIRESI,  
LEWIS DELROSSO, SCHLEGEL CULVER, R. BROWN, DAY, SMITH,  
GAYDOS, PENNYCUICK, STURLA, SOLOMON, SCHMITT AND MERCURI,  
AUGUST 16, 2021

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REFERRED TO COMMITTEE ON URBAN AFFAIRS, AUGUST 16, 2021

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in neighborhood blight reclamation and  
3 revitalization, further providing for definitions and  
4 providing for vacant property registration and annual  
5 assessment.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 6103 of Title 53 of the Pennsylvania  
9 Consolidated Statutes is amended by adding a definition to read:

10 § 6103. Definitions.

11 The following words and phrases when used in this chapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 \* \* \*

15 "Vacant." A condition in which a structure that is designed  
16 for human occupancy:

17 (1) has not been legally occupied for at least 90  
18 consecutive days and has no evidence of utility usage within

1 the past 90 days; or

2 (2) is partially constructed or incomplete without a  
3 valid building permit.

4 "Vacant blighted property." A blighted property that is also  
5 vacant.

6 Section 2. Section 6141 of Title 53 is amended to read:

7 § 6141. [(Reserved).] Vacant property registration and annual  
8 assessment.

9 (a) Authorization.--

10 (1) A municipality may impose and collect, by ordinance,  
11 a vacant property registration fee and a vacant property  
12 annual assessment consistent with this section on properties  
13 deemed vacant and on properties deemed vacant blighted  
14 properties.

15 (2) A municipality with a vacant property registration  
16 ordinance in place prior to the effective date of this  
17 subsection shall not be required to amend the ordinance to  
18 comply with the provisions of this section.

19 (b) Listing required.--

20 (1) A municipality that elects to impose and collect a  
21 fee and annual assessment under this section shall compile  
22 and maintain a vacant and vacant blighted properties list  
23 that identifies by address and owner all vacant and vacant  
24 blighted properties in the municipality. Each listing shall  
25 contain the date the property was listed and whether the  
26 property is a vacant or vacant blighted property.

27 (2) The municipality shall update the municipality's  
28 vacant and vacant blighted properties list annually and  
29 submit the list to the county assessment office or comparable  
30 office in a home rule county.

1           (3) The municipality shall submit the municipality's  
2 first vacant and vacant blighted properties list to the  
3 county assessment or comparable office in a home rule county  
4 within six months of the enactment of an ordinance under this  
5 section. All other submissions shall be submitted as provided  
6 under paragraph (2).

7 (c) Amount of annual assessment.--

8           (1) A property deemed vacant and ineligible for an  
9 exemption as provided in subsection (d) shall be subject to  
10 an annual assessment at the rate of \$5 per every \$100 of  
11 assessed value.

12           (2) A property deemed a vacant blighted property and  
13 ineligible for an exemption as provided in subsection (d)  
14 shall be subject to an annual assessment at the rate of \$10  
15 per every \$100 of assessed value.

16 (d) Exempt vacant properties.--A vacant property shall be  
17 exempt from inclusion on the vacant and vacant blighted  
18 properties list under subsection (b), except as otherwise  
19 provided in paragraph (3), and from annual assessment under  
20 subsection (c) if the vacant or vacant blighted property is:

21           (1) Owned by the Federal Government or one of its  
22 instrumentalities.

23           (2) Under active construction or undergoing active  
24 rehabilitation, renovation or repair and a permit to make the  
25 property fit for human occupancy was issued, renewed or  
26 extended within 12 months of the required registration date.

27           (3) In compliance with all Federal, State and local laws  
28 and the owner or the owner's agent has been actively seeking  
29 in good faith to rent or sell the property. The time frame  
30 for sale or rent does not exceed:

1           (i) one year from the initial listing, offer or  
2           advertisement of sale, in the case of a residential  
3           property;

4           (ii) two years from the initial listing, offer or  
5           advertisement of sale, in the case of a commercial  
6           property; or

7           (iii) one year from the initial listing, offer or  
8           advertisement to rent, provided that any leased property  
9           exempt under this paragraph has a valid certificate of  
10           occupancy from the municipality.

11           The owner of a vacant property that satisfies the conditions  
12           of this paragraph shall be subject to the duty to register  
13           and pay the annual registration fee required by subsection  
14           (e).

15           (4) Exempted by the municipality upon a showing of  
16           economic hardship by the owner and that the owner is working  
17           with the municipality to bring the property into compliance  
18           with all Federal, State and local codes. An exemption under  
19           this paragraph shall be subject to the following provisions:

20           (i) the exemption may be granted for a time frame  
21           not to exceed 12 months from the required registration  
22           date, subject to renewal on the basis of continuing  
23           economic hardship. The municipality may withdraw the  
24           exemption at any time;

25           (ii) the exemption may be granted for a time frame  
26           not to exceed 24 months, if the property is subject to a  
27           probate proceeding or the title is the subject of  
28           litigation, not including a foreclosure of the right of  
29           redemption action;

30           (iii) the exemption may be granted for a time frame

1 not to exceed 12 months, if the property is subject to a  
2 pending application for a necessary approval for  
3 development before State, regional or municipal planning  
4 or zoning authorities and is maintained according to all  
5 Federal, State and local laws; or

6 (iv) the cumulative time frame for an exemption from  
7 registration and annual assessment as provided under this  
8 paragraph for a vacant property under the same,  
9 substantially similar or related ownership shall not  
10 exceed 36 consecutive months.

11 (5) Owned by a member of the United States military  
12 presently on active duty, provided that the property is in  
13 compliance with all Federal, State or local codes.

14 (e) Duties of owner and amount of registration fee.--The  
15 owner of a vacant property shall maintain the property in  
16 compliance with the requirements of all Federal, State and local  
17 requirements and, within 30 days after the property is  
18 determined to be vacant, shall register the property with the  
19 municipality and pay an annual registration fee of \$25 to the  
20 municipality. If the name or address of the owner changes for  
21 any reason other than by transfer or conveyance, the change  
22 shall be reported to the municipality in writing within 30 days.

23 (f) Effect of conveyance.--If a present interest in a vacant  
24 property registered under this section is transferred or  
25 otherwise conveyed by deed, the deed shall not be recorded by  
26 the recorder of deeds until a new vacancy registration is filed  
27 with the municipality and the applicable fees are paid to the  
28 municipality in accordance with this section.

29 (g) Penalties.--

30 (1) An owner who fails to comply with the registration

1 requirements required by this section shall be assessed a  
2 penalty of \$25 per day for residential properties and \$50 per  
3 day for commercial or industrial properties for each day that  
4 the owner fails to register the vacant property with the  
5 municipality. The owner shall also be subject to penalties  
6 assessed under all other applicable Federal, State and local  
7 laws.

8 (2) The amount of any unpaid fee or annual assessment  
9 authorized under this subsection shall constitute a lien  
10 against the property and shall be collected in the same  
11 manner as municipal claims by the municipality.

12 (h) Blight remediation and eradication fund.--

13 (1) A municipality that imposes a vacant property  
14 registration fee and a vacant property annual assessment  
15 shall establish a blight remediation and eradication fund  
16 into which must be deposited all vacancy registration fees,  
17 annual assessments and penalties the municipality collects.

18 (2) A municipality may use the funds in the  
19 municipality's blight remediation and eradication fund to:

20 (i) acquire tax delinquent and foreclosed  
21 properties;

22 (ii) donate to a land bank established by local  
23 ordinance or State law;

24 (iii) apply to conservatorship projects as provided  
25 in the act of November 26, 2008 (P.L.1672, No.135), known  
26 as the Abandoned and Blighted Property Conservatorship  
27 Act;

28 (iv) remediate blight conditions in the  
29 municipality; and

30 (v) educate the municipality's residents about the

1 costs and dangers of vacancy and blight.

2 (3) A municipality may use up to 5% of the blight  
3 remediation and eradication fund for administrative costs of  
4 carrying out the provisions of an ordinance enacted under  
5 this section.

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