

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2555 Session of 2022

INTRODUCED BY BOBACK, HILL-EVANS, HENNESSEY, HELM, STURLA AND
INNAMORATO, APRIL 27, 2022

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 27, 2022

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the first, second class A,
3 third, fourth, fifth, sixth, seventh and eighth classes;
4 amending, revising, consolidating and changing the laws
5 relating thereto; relating to imposition of excise taxes by
6 counties, including authorizing imposition of an excise tax
7 on the rental of motor vehicles by counties of the first
8 class; and providing for regional renaissance initiatives,"
9 in special powers and duties of counties, providing for
10 property maintenance code.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Article XIX of the act of August 9, 1955
14 (P.L.323, No.130), known as The County Code, is amended by
15 adding a subarticle to read:

16 (z.6) Property Maintenance Code

17 Section 1999n. Property Maintenance Code.--(a) A county may
18 enact one of the following:

19 (1) A property maintenance ordinance that incorporates a
20 standard or nationally recognized property maintenance code or a
21 variation, change or part of such code, published and printed in
22 book form, without incorporating the text of the code in the

1 ordinance.

2 (2) A standard or nationally recognized property maintenance
3 code or a variation, change or part of such code as the county's
4 property maintenance ordinance.

5 (b) (1) An ordinance under subsection (a) need not be
6 advertised after being adopted. Notice of the consideration of
7 the ordinance shall be published in a manner that gives adequate
8 notice of its contents and a reference to the place within the
9 county where copies of the proposed property maintenance code
10 may be examined or obtained.

11 (2) The notice required under paragraph (1) shall be
12 published once in one newspaper of general circulation at least
13 one week and not more than three weeks prior to the presentation
14 of the proposed property maintenance code to the board of
15 commissioners.

16 (c) At least three copies of the ordinance adopted by the
17 board of commissioners:

18 (1) shall be made available for public inspection and use
19 during business hours or to an interested party that pays the
20 cost of copying; or

21 (2) may be furnished or lent without charge.

22 (d) A property maintenance code adopted by reference:

23 (1) need not be recorded in or attached to an ordinance
24 book; and

25 (2) shall be deemed to have been legally recorded if the
26 ordinance by which the code was adopted by reference has been
27 recorded with an accompanying notation stating where the full
28 text of the code has been filed.

29 (e) An ordinance under this section may provide for
30 reasonable property fines and penalties for violations of the

1 ordinance.

2 (f) The procedure described in this section relating to the
3 adoption of an ordinance under this section may be used in
4 amending, supplementing or repealing a provision of the
5 ordinance.

6 (g) The board of commissioners may appoint property
7 maintenance inspectors who may enter and inspect a premises at
8 reasonable hours and in a reasonable manner for the
9 administration and enforcement of the county's property
10 maintenance code or ordinance under subsection (a). A fee
11 payable to a property maintenance inspector under the ordinance
12 shall, after being collected by the property maintenance
13 inspector, be transmitted to the county treasurer for use of the
14 county.

15 (h) In addition to the penalties provided by a property
16 maintenance ordinance, a county may institute an appropriate
17 action or proceeding at law or in equity to prevent or restrain
18 a property maintenance violation.

19 (i) The powers and duties of a county under this section
20 shall be in addition to the powers and duties provided under the
21 following:

22 (1) The act of November 26, 2008 (P.L.1672, No.135), known
23 as the "Abandoned and Blighted Property Conservatorship Act."

24 (2) 68 Pa.C.S. Ch. 21 (relating to land banks).

25 (j) (1) Except as provided in section 1999o, the powers of
26 a board of commissioners to enact, amend and repeal ordinances
27 under this subarticle shall be limited to land in those
28 municipalities, wholly or partly within the county, that have no
29 property maintenance ordinance, based in whole or in part on a
30 standard or nationally recognized property maintenance code, in

1 effect at the time a property maintenance ordinance is
2 introduced before the governing body of the county and until the
3 municipality's property maintenance ordinance is in effect.

4 (2) The enactment or revision of such property maintenance
5 ordinance by a municipality, other than the county, whose land
6 is subject to a county property maintenance code shall act as a
7 repeal pro tanto of the county property maintenance code
8 ordinance within the municipality adopting the ordinance, except
9 as provided in section 1999o.

10 Section 1999o. Enforcement of Municipal Property Maintenance
11 Ordinances.--(a) Except as provided in subsections (b), (c),
12 (d) and (e), a county may not enforce a property maintenance
13 ordinance adopted by a municipality within the county unless the
14 county enters into an intergovernmental cooperation agreement
15 with the municipality.

16 (b) A resident or taxpayer of the municipality may petition
17 the board of commissioners of the county, in writing, to request
18 that the county enforce its property maintenance code against a
19 property within the municipality that the resident believes
20 constitutes a public nuisance. The petitioner shall deliver a
21 copy of the petition to the municipal secretary.

22 (c) After receiving a petition under subsection (b), a
23 county property maintenance inspector may investigate the
24 property that is the subject of the complaint. If the inspector
25 finds that the property is in violation of the county's property
26 maintenance ordinance, the inspector may issue a notice of
27 violation to the property owner. A copy of the notice shall be
28 filed with the municipal secretary.

29 (d) Not less than thirty days after delivery of the notice
30 of violation to the municipal secretary, the county may enforce

1 its property maintenance ordinance against the property unless
2 the municipality has notified the county that the property is
3 subject to an enforcement action of the municipality's property
4 maintenance ordinance.

5 (e) Except as otherwise provided in an intergovernmental
6 cooperation agreement, a fine, forfeited recognizance or other
7 forfeiture imposed, lost or forfeited for violation of a
8 property maintenance ordinance subject to county enforcement
9 under this section, shall be payable to the county.

10 Section 2. This act shall take effect in 60 days.