
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 939 Session of 2021

INTRODUCED BY HUGHES, SAVAL, COMITTA, FONTANA, KEARNEY,
BREWSTER, SCHWANK, COSTA AND CAPPELLETTI, NOVEMBER 19, 2021

REFERRED TO JUDICIARY, NOVEMBER 19, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 further providing for ten year limitation.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5527.1(c)(1) and (h) of Title 42 of the
7 Pennsylvania Consolidated Statutes are amended and the section
8 is amended by adding a subsection to read:

9 § 5527.1. Ten year limitation.

10 * * *

11 (b.1) Vacant land.--The following shall apply:

12 (1) In cities of the first class, a possessor may
13 acquire title to privately owned vacant land under this
14 section in an action to quiet title under subsection (c).

15 (2) In order to acquire title to vacant land under
16 paragraph (1), the possessor must show that:

17 (i) the possessor has made actual, continuous,
18 exclusive, visible, notorious, distinct and hostile

1 possession of the vacant land for a period of not less
2 than 10 years;

3 (ii) at the time of filing the quiet title action
4 under subsection (c) the possessor currently maintains
5 the vacant land as a garden or community garden;

6 (iii) at the time of filing the quiet title action
7 under subsection (c) the possessor has maintained the
8 vacant land as a garden or community garden for at least
9 5 years;

10 (iv) the petitioner has a demonstrated capacity to
11 maintain the space by providing a simple plan for
12 managing the work of tending garden beds, removing weeds
13 within the garden and trash and snow removal outside the
14 garden along street frontage;

15 (v) the area of the vacant land as described by the
16 metes and bounds does not exceed a total area of one half
17 acre; and

18 (vi) the property will remain a garden or a
19 community garden for a period of not less than five years
20 from the date of acquisition. The court will impose a
21 deed restriction on the property at the time of
22 acquisition. The deed restriction is removable upon
23 petition to the court and a showing that the restriction
24 will impose a financial or economic hardship on the
25 possessor or the possessor's heirs.

26 (c) Quiet title action required.--

27 (1) A possessor who seeks to acquire title to real
28 property under this section must, after meeting the
29 requirements of subsections (a) and (b) or (a) and (b.1),
30 commence a quiet title action and provide notice as required

1 in this section.

2 * * *

3 (h) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Garden" or "community garden." Real property that has no
7 permanent structure that is managed and maintained by an
8 individual, a group of individuals or a nonprofit organization,
9 and that consists of open spaces covered with natural vegetation
10 such as grass, plants or trees or planted vegetation such as
11 vegetables, fruits or flowers for personal or group consumption,
12 for donation or for sale that is incidental in nature. A
13 permanent structure does not include fences, arbors, sunshades,
14 gazebos, pergolas, trellises, stages, raised beds, composting
15 toilets, storage structures, sheds, greenhouses, hoop houses,
16 animal containments or anything that could be removed without
17 obtaining a municipal demolition permit.

18 "Real property." Real estate not exceeding one-half acre in
19 area that is:

20 (1) Improved by a single-family dwelling that is and has
21 been occupied by a possessor seeking title under this section
22 for the full 10 years.

23 (2) Identified as a separate lot in a recorded
24 conveyance, recorded subdivision plan or recorded official
25 map or plan of a municipality.

26 "Single-family dwelling." A residence designed for occupancy
27 by one household, whether detached from or attached to other
28 structures.

29 "Vacant land." Real property that has no permanent
30 structures. A permanent structure does not include fences,

1 arbors, sunshades, gazebos, pergolas, trellises, stages, raised
2 beds, composting toilets, storage structures, sheds,
3 greenhouses, hoop houses, animal containments or anything that
4 could be removed without obtaining a municipal demolition
5 permit.

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