

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 711 Session of 2023

INTRODUCED BY KINKEAD, BURGOS, HILL-EVANS, PISCIOTTANO, KHAN, SANCHEZ, VENKAT, MIHALEK, KULIK, BENHAM, DEASY, FRANKEL, INNAMORATO, MADDEN, McANDREW AND KRAJEWSKI, MARCH 27, 2023

REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT, MARCH 27, 2023

AN ACT

1 Amending the act of May 16, 1923 (P.L.207, No.153), entitled "An
2 act providing when, how, upon what property, and to what
3 extent, liens shall be allowed for taxes and for municipal
4 improvements, for the removal of nuisances, and for water
5 rents or rates, sewer rates, and lighting rates; for the
6 procedure upon claims filed therefor; the methods for
7 preserving such liens and enforcing payment of such claims;
8 the effect of judicial sales of the properties liened; the
9 distribution of the proceeds of such sales, and the
10 redemption of the property therefrom; for the lien and
11 collection of certain taxes heretofore assessed, and of
12 claims for municipal improvements made and nuisances removed,
13 within six months before the passage of this act; and for the
14 procedure on tax and municipal claims filed under other and
15 prior acts of Assembly," further providing for municipal
16 claims first lien, cities of first class, docketing, judgment
17 and execution, for cities of the first class, recovery of
18 judgment and sale free from claims, for redemption and for
19 rule to show cause, decree, service and notice and providing
20 for disposition of property in cities of the second class.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Sections 3(b), 31.2(a), (b.1) and (b.2) (1), 32(a)
24 and 39.2(a), (a.1), (b), (b.1) and (c) of the act of May 16,
25 1923 (P.L.207, No.153), referred to as the Municipal Claim and
26 Tax Lien Law, are amended to read:

1 Section 3. * * *

2 (b) With the exception of those claims which have been
3 assigned, any municipal claim, municipal lien, tax, tax claim or
4 tax lien, including interest, penalty and costs, imposed by a
5 city of the first [class] or second class or by a county of the
6 second class or by a municipality therein, shall be a judgment
7 only against the said property when the lien has been docketed
8 by the prothonotary. The docketing of the lien shall be given
9 the effect of a judgment against the said property only with
10 respect to which the claim is filed as a lien. The prothonotary
11 shall maintain an in rem index, the form and location of which
12 shall be within the prothonotary's discretion. All tax claims,
13 water rents or rates, lighting rates, power rates and sewer
14 rates heretofore filed are hereby ratified, confirmed and made
15 valid subsisting liens as of the date of their original filing.

16 * * *

17 Section 31.2. (a) In addition to the remedies prescribed in
18 sections [28,] 31 and 31.1 of this act, in cities of the first
19 [class] or second class and counties of the second class and any
20 municipalities therein, whenever a claimant has filed its tax or
21 municipal claim in accordance with the requirements of this act,
22 it may file its petition in the court in which the proceeding is
23 pending, setting forth the facts necessary to show the right to
24 sell, together with searches or a title insurance policy,
25 showing the state of record and the ownership of the property,
26 and of all tax and municipal claims, liens, mortgages, ground
27 rents or other charges on, or estates in, the land, as shown by
28 the official records of the city or county, or the political
29 subdivision in which the real estate is situate, and thereupon
30 the court shall grant a rule upon all parties thus shown to be

1 interested, to appear and show cause why a decree should not be
2 made that the property be sold, freed and cleared of their
3 respective claims, liens, mortgages, ground rents, charges and
4 estates. If upon a hearing, the court is satisfied that service
5 had been made of the rule upon the parties respondent in the
6 manner provided in [this act for the service of writs of scire
7 facias to obtain judgments upon tax and municipal claims, and
8 that contemporaneously with the service of the rule on the
9 parties respondent notice of the rule has been published by the
10 claimant in at least one newspaper of general circulation in the
11 county, and in a legal periodical published therein, if any,]
12 section 39.2 and that the facts stated in the petition be true,
13 it shall order and decree that the property be sold at a
14 subsequent sheriff's sale at a time to be fixed thereafter by
15 the claimant, clear of all claims, liens, mortgages, ground
16 rents, charges and estates, to the highest bidder at such sale
17 and after payment of the tax or municipal lien the balance of
18 the proceeds realized therefrom, shall be distributed in
19 accordance with the priority of the remaining claims, liens,
20 mortgages, ground rents, charges and estates, and the purchaser
21 at such sale shall take and forever thereafter have, an absolute
22 title to the property sold, free and discharged of all tax and
23 municipal claims, liens, mortgages, ground rents, charges and
24 estates of whatsoever kind, subject only to the right of
25 redemption as provided by law. The date of the sale shall be
26 advertised in at least one newspaper of general circulation in
27 the county in which the property is located and in the legal
28 periodical published therein.

29 * * *

30 (b.1) A city of the first or second class may, within thirty

1 days of any sale held under this section, petition the court of
2 common pleas to prohibit the transfer of any deed for any
3 property exposed for any sale under this act which is located in
4 that city to any purchaser who is proven to meet any of the
5 criteria set forth in subsection (b.2).

6 (b.2) (1) The petition of a city of the first or second
7 class shall allege that the purchaser has over the three years
8 preceding the filing of the petition exhibited a course of
9 conduct which demonstrates that a purchaser permitted an
10 uncorrected housing code violation to continue unabated after
11 being convicted of such violation and:

12 (i) failed to maintain property owned by the purchaser in a
13 reasonable manner such that it posed a threat to health, safety
14 or property; or

15 (ii) permitted the use of property in an unsafe, illegal or
16 unsanitary manner such that it posed a threat to health, safety
17 or property.

18 * * *

19 Section 32. (a) The owner of any property sold under a tax
20 or municipal claim, or his assignees, or any party whose lien or
21 estate has been discharged thereby, may, except as provided in
22 subsection (c) of this section, redeem the same if the property
23 is not located in a city of the second class or a county of the
24 second class or a municipality therein at any time within nine
25 months from the date of the acknowledgment of the sheriff's deed
26 [therefor] and if the property is located in a city of the
27 second class or a county of the second class or a municipality
28 therein at any time within three months from the date of the
29 acknowledgment of the sheriff's deed therefor, upon payment of
30 the amount bid at such sale; the cost of drawing, acknowledging,

1 and recording the sheriff's deed; the amount of all taxes and
2 municipal claims, whether not entered as liens, if actually
3 paid; the principal and interest of estates and encumbrances,
4 not discharged by the sale and actually paid; the insurance upon
5 the property, and other charges and necessary expenses of the
6 property, actually paid, less rents or other income therefrom,
7 and a sum equal to interest at the rate of ten per centum per
8 annum thereon, from the time of each of such payments. If both
9 owner and creditor desire to redeem, the owner shall have the
10 right so to do only in case he pays the creditor's claim in
11 full. If more than one creditor desires to redeem, the one who
12 was lowest in lien at the time of sale shall have the prior
13 right, upon payment in full of the claim of the one higher in
14 lien. Within nine months if the property is not located in a
15 city of the second class or a county of the second class or a
16 municipality therein or within three months if the property is
17 located in a city of the second class or a county of the second
18 class or a municipality therein, one who was lower in lien may
19 redeem from one higher in lien who has already redeemed, and the
20 owner may redeem from him; and so on throughout, in each case by
21 paying the claim of the one whose right was higher; and one
22 higher in lien may redeem from one lower in lien, unless his
23 claim is paid; but in each case the right must be exercised
24 within [nine months] the time specified in this section.

25 * * *

26 Section 39.2. (a) In cities of the first [class] or second
27 class and counties of the second class and municipalities
28 therein, notice of a rule to show cause why a property should
29 not be sold free and clear of all encumbrances issued by a court
30 pursuant to a petition filed by a claimant under section 31.2 of

1 this act shall be served by the claimant upon owners,
2 mortgagees, holders of ground rents, liens and charges or
3 estates of whatsoever kind as follows:

4 (1) By posting a true and correct copy of the petition and
5 rule on the most public part of the property;

6 (2) By mailing by first class mail to the address registered
7 by any interested party pursuant to section 39.1 of this act a
8 true and correct copy of the petition and rule; and

9 (3) By reviewing a title search, title insurance policy or
10 tax information certificate that identifies interested parties
11 of record who have not registered their addresses pursuant to
12 section 39.1 of this act, the [city] claimant shall mail by
13 first class mail and either by certified mail, return receipt
14 requested, or by registered mail to such addresses as appear on
15 the respective records relating to the premises a true and
16 correct copy of the petition and rule.

17 Service of notice pursuant to this section shall be deemed
18 accomplished on the date of mailing. The [city] claimant shall
19 file an affidavit of service with the court prior to seeking a
20 decree ordering the sale of the premises.

21 (a.1) In counties of the second class and municipalities
22 therein, notice of a rule to show cause why a property should
23 not be sold free and clear of all liens and encumbrances issued
24 by a court pursuant to a petition filed by a claimant under
25 sections [28] 31 and 31.1 of this act shall be served by the
26 claimant upon owners, mortgagees, holders of ground rents, liens
27 and charges or estates of whatsoever kind as follows:

28 (1) By posting a true and correct copy of the petition and
29 rule on the most public part of the property.

30 (2) By reviewing a title search, title insurance policy or

1 tax information certificate that identifies interested parties
2 of record, the county or municipality shall mail by first class
3 mail and either by certified mail, return receipt requested, or
4 by certificate of mailing to such addresses as appear on the
5 respective records relating to the premises a true and correct
6 copy of the petition and rule. Notice pursuant to this section
7 shall be deemed accomplished on the date of mailing. The [county
8 or municipality] claimant shall file an affidavit of service
9 with the court prior to seeking a decree ordering the sale of
10 the premises.

11 (b) No party whose interest did not appear on a title
12 search, title insurance policy or tax information certificate or
13 who failed to accurately register his interest and address
14 pursuant to section 39.1 of this act shall have standing to
15 complain of improper notice if the [city] claimant shall have
16 complied with subsection (a) of this section. This provision
17 shall not apply if the mortgage or interest was otherwise
18 properly recorded in the Office of the Recorder of Deeds or the
19 Department of Real Estate, as applicable, and the document
20 contains a current address sufficient to satisfy the notice
21 requirements of this section. Notwithstanding any other
22 requirement set forth in this act or any other law to the
23 contrary, the notice required by subsection (a) of this section
24 shall constitute the only notice required before a court may
25 enter a decree ordering a tax sale.

26 (b.1) No party whose interest did not appear on a title
27 search or title insurance policy, because of the party's failure
28 to record or properly record its interest, shall have standing
29 to complain of improper notice if the county or municipality
30 shall have complied with subsection (a.1). This provision shall

1 not apply if the mortgage or interest was otherwise properly
2 recorded in the Office of the Recorder of Deeds or the
3 Department of Real Estate, as applicable, and the document
4 contains a current address sufficient to satisfy the notice
5 requirements of this section. Notwithstanding any other
6 requirement set forth by subsection (a.1), notice thereunder
7 shall constitute the only notice required before a court may
8 enter a decree ordering a tax sale free and clear of liens.

9 (c) Notice of the court's decree ordering a tax sale,
10 together with the time, place and date of the sale, shall be
11 served by first class mail on all parties served with the
12 petition and rule, on any parties whose interest appeared of
13 record after the filing of the petition but before the court's
14 decree and on any creditor who has obtained judgment against the
15 owner of the premises prior to the date of the decree. The
16 [city] claimant shall file an affidavit of service of these
17 notices prior to the date of the sale.

18 * * *

19 Section 2. The act is amended by adding a section to read:

20 Section 39.6. The mayor of a city of the second class may
21 designate an agency for the acquisition, administration,
22 maintenance and disposition of property acquired by the city of
23 the second class at a sheriff's sale. The city of the second
24 class or its agent may act as an agent for a taxing authority
25 having a claim against property under this section, pursuant to
26 a locally negotiated agreement that positively affirms the
27 consent by each taxing authority to allow the city of a second
28 class to act as an agent on each taxing authority's behalf. A
29 city of the second class acting as an agent for a taxing
30 authority under this section may take any actions necessary to

1 protect and defend a taxing authority's rights and obligations
2 under this act.

3 Section 3. The amendment of section 32(a) of the act shall
4 apply to a sheriff's sale conducted on or after the effective
5 date of this section.

6 Section 4. This act shall take effect in 60 days.