

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 775 Session of 2023

INTRODUCED BY TWARDZIK, CIRESI, STEHR, BURGOS, MAJOR, KINKEAD, COOPER, GAYDOS, BARTON AND BRENNAN, MARCH 30, 2023

AS REPORTED FROM COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24, 2023

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 and blighted property registration; and
5 imposing penalties.

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 and blighted property." A blighted property that is
16 vacant.

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

18 § 6141. [(Reserved).] Vacant and blighted property
19 registration.

1 (a) Authorization.--

2 ~~(1) A municipality may impose and collect, by ordinance, <--~~
3 ~~a vacant and blighted property registration fee consistent~~
4 ~~with this section on properties deemed vacant and blighted~~
5 ~~properties.~~

6 (1) A MUNICIPALITY MAY IMPOSE AND COLLECT, BY ORDINANCE, <--
7 A VACANT AND BLIGHTED PROPERTY REGISTRATION FEE CONSISTENT
8 WITH THIS SECTION ON PROPERTIES DEEMED VACANT AND BLIGHTED.

9 (2) A MUNICIPALITY CHOOSING TO ENACT AN ORDINANCE UNDER
10 PARAGRAPH (1) MAY CONTRACT WITH A THIRD-PARTY ENTITY TO
11 EXECUTE THE VACANT AND BLIGHTED PROPERTY REGISTRY AND TO
12 COLLECT THE REGISTRATION FEES AND FINES ALLOWED UNDER THIS
13 CHAPTER.

14 ~~(2) (3) A municipality with a vacant and blighted <--~~
15 ~~property registration ordinance in place prior to the~~
16 ~~effective date of this subsection shall not be required to~~
17 ~~amend the ordinance to comply with the provisions of this~~
18 ~~section.~~

19 ~~(3) (4) A municipality with an existing program for <--~~
20 ~~vacant and blighted property registration may continue to~~
21 ~~operate the program without impacting any other law~~
22 ~~authorizing the municipality to regulate vacant or blighted~~
23 ~~property.~~

24 ~~(b) Listing required. <--~~

25 ~~(1) A municipality that elects to impose and collect a~~
26 ~~registration fee under this section shall compile and~~
27 ~~maintain a vacant and blighted properties list that~~
28 ~~identifies by address and owner all vacant and blighted~~
29 ~~properties in the municipality. Each listing shall contain~~
30 ~~the date each vacant and blighted property was listed.~~

1 ~~(2) The municipality shall update the municipality's~~
2 ~~vacant and blighted properties list annually and submit the~~
3 ~~list to the county assessment office or comparable office in~~
4 ~~a home rule county.~~

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

11 (5) A MUNICIPALITY THAT ELECTS TO IMPOSE AN ORDINANCE <--
12 UNDER PARAGRAPH (1) SHALL ESTABLISH A PROCESS FOR THE REMOVAL
13 OF PROPERTIES FROM THE REGISTRY AND SHALL DISCLOSE THE
14 PROCESS FOR REMOVAL TO THE PROPERTY OWNER AT THE TIME OF
15 LISTING, INCLUDING ANY REQUIREMENT TO BRING THE PROPERTY UP
16 TO MUNICIPAL CODE EXISTING UNDER OTHER APPLICABLE STATE LAW.

17 (B) LISTING REQUIRED.--A MUNICIPALITY THAT ELECTS TO IMPOSE
18 AND COLLECT A REGISTRATION FEE UNDER THIS SECTION SHALL COMPILE
19 AND MAINTAIN A VACANT AND BLIGHTED PROPERTIES LIST THAT
20 IDENTIFIES BY ADDRESS AND OWNER ALL VACANT AND BLIGHTED
21 PROPERTIES IN THE MUNICIPALITY. EACH LISTING SHALL CONTAIN THE
22 DATE EACH VACANT AND BLIGHTED PROPERTY WAS LISTED.

23 (c) Amount of registration fee.--A registration fee shall be
24 imposed ON THE OWNER OF A VACANT AND BLIGHTED PROPERTY for each <--
25 year that a THE vacant and blighted property is not in <--
26 compliance with the municipal code, subject to the following:

27 (1) If the property owner brings the property into
28 compliance with the municipal code within 12 months or sells
29 the property to an entity that brings the property into
30 compliance with the municipal code, the fee shall be waived

1 in accordance with section 3 of the act of December 20, 2000
2 (P.L.724, No.99), known as the Municipal Code and Ordinance
3 Compliance Act.

4 (2) The fee shall be \$500 one year from the date on
5 which the property was listed on the registry.

6 (3) The fee shall be \$1,000 two years from the date on
7 which the property was listed on the registry.

8 (4) The fee shall be \$2,000 three and four years from
9 the date on which the property was listed on the registry.

10 (5) The fee shall be \$3,500 five through eight years
11 from the date on which the property was listed on the
12 registry.

13 (6) The fee shall be \$5,000 nine or more years from the
14 date on which the property was listed on the registry.

15 (7) PROPERTY OWNED BY THE FEDERAL OR STATE GOVERNMENT OR <--
16 A COUNTY, MUNICIPALITY, REDEVELOPMENT AUTHORITY, HOUSING
17 AUTHORITY OR LAND BANK, INCLUDING ONE OF THEIR
18 INSTRUMENTALITIES, WHICH IS REQUIRED TO REGISTER UNDER THIS
19 SECTION IS EXEMPT FROM THE REGISTRATION FEES UNDER THIS
20 SUBSECTION.

21 (d) Exempt vacant and blighted properties.--A vacant and
22 blighted property shall be exempt from inclusion on the vacant
23 and blighted properties list under subsection (b), except as
24 otherwise provided in paragraph (3), and from annual assessment <--
25 THE REGISTRATION FEES under subsection (c) if the vacant and <--
26 blighted property is:

27 ~~(1) Owned by the Federal or State Government or a <--~~
28 ~~municipality, redevelopment authority, housing authority or~~
29 ~~land bank, including one of their instrumentalities.~~

30 ~~(2)~~ (1) Under active construction or undergoing active <--

1 rehabilitation, renovation or repair and a permit to make the
2 property fit for human occupancy was issued, renewed or
3 extended within 12 months of the required registration date.

4 ~~(3)~~ (2) In compliance with all Federal, State and local <--
5 laws and the owner or the owner's agent has been actively
6 seeking in good faith to rent or sell the property. The time
7 frame for sale or rent does not exceed:

8 (i) one year from the initial listing, offer or
9 advertisement of sale, in the case of a residential
10 property;

11 (ii) two years from the initial listing, offer or
12 advertisement of sale, in the case of a commercial
13 property; or

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

18 ~~(4)~~ (3) Exempted by the municipality upon a showing of <--
19 economic hardship by the owner and that the owner is working
20 with the municipality to bring the property into compliance
21 with all Federal, State and local codes. An exemption under
22 this paragraph shall be subject to the following provisions:

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

28 (ii) the exemption may be granted for a time frame
29 not to exceed 24 months, if the property is subject to a
30 probate proceeding or the title is the subject of

1 litigation, not including a foreclosure of the right of
2 redemption action;

3 (iii) the exemption may be granted for a time frame
4 not to exceed 12 months, if the property is subject to a
5 pending application for a necessary approval for
6 development before State, regional or municipal planning
7 or zoning authorities and is maintained according to all
8 Federal, State and local laws; or

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

14 ~~(5)~~ (4) Owned by a member of the United States military <--
15 presently on active duty if the property is in compliance
16 with all Federal, State or local codes.

17 (e) Right of appeal.--An ordinance adopted under this
18 section shall provide an opportunity for an appeal UNDER 2 <--
19 PA.C.S. § 752 (RELATING TO APPEALS) by the owner of property
20 that is deemed vacant and blighted property.

21 (f) Penalties.--

22 (1) An owner OF VACANT AND BLIGHTED PROPERTY who fails <--
23 to ~~comply with~~ PAY the registration requirements FEES <--
24 required by this section shall be assessed a penalty of \$25
25 per day ~~for a~~ IF THE vacant and blighted property ~~that is~~ <--
26 residential and \$50 per day ~~for a~~ IF THE vacant and blighted <--
27 property ~~that is~~ commercial or industrial for each day that <--
28 the owner fails to ~~register the property with the~~ <--
29 municipality PAY THE REGISTRATION FEE. The owner shall also <--
30 be subject to penalties assessed under all other applicable

1 Federal, State and local laws.

2 (2) The amount of any unpaid fee authorized under this
3 section shall constitute a lien against the property and
4 shall be collected in the same manner as municipal claims by
5 the municipality.

6 ~~(g) Blight remediation and eradication fund.~~ <--

7 ~~(1) A municipality that imposes a vacant and blighted~~
8 ~~property registration fee shall establish a blight~~
9 ~~remediation and eradication fund into which shall be~~
10 ~~deposited all registration fees and penalties the~~
11 ~~municipality collects.~~

12 ~~(2) A municipality may use money in the municipality's~~
13 ~~blight remediation and eradication fund to:~~

14 ~~(i) acquire tax delinquent and foreclosed~~
15 ~~properties;~~

16 ~~(ii) donate to a land bank established by local~~
17 ~~ordinance or State law;~~

18 ~~(iii) apply to conservatorship projects as provided~~
19 ~~in the act of November 26, 2008 (P.L.1672, No.135), known~~
20 ~~as the Abandoned and Blighted Property Conservatorship~~
21 ~~Act;~~

22 ~~(iv) remediate blight conditions in the~~
23 ~~municipality; and~~

24 ~~(v) educate the municipality's residents about the~~
25 ~~costs and dangers of vacancy and blight.~~

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

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