

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 645 Session of 2023

INTRODUCED BY HUGHES, APRIL 20, 2023

AS AMENDED ON SECOND CONSIDERATION, MAY 1, 2023

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in general provisions, providing for
3 ten-year limitation for acquiring title to vacant land for
4 gardens in cities of the first class.

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

7 Section 1. Title 53 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 1143. Ten-year limitation for acquiring title to vacant land
10 for gardens in cities of the first class.

11 (a) Vacant land.--Notwithstanding 42 Pa.C.S. § 5527.1
12 (relating to ten year limitation), the following shall apply:

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

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

18 (i) The possessor has made actual, continuous,
19 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 (b), 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 (b), the possessor has maintained the
8 vacant land as a garden or community garden for at least
9 five 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.

18 (vi) The property shall 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 shall impose a
21 deed restriction on the property at the time of
22 acquisition. The deed restriction shall be 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 (b) Quiet title action required.--Notwithstanding 42 Pa.C.S. <--
27 § 5527.1(c)(1), a A possessor who seeks to acquire title to real <--
28 property under this section must, after meeting the requirements
29 of 42 Pa.C.S. § 5527.1(a) and (b) or 42 Pa.C.S. § 5527.1(a) and <--
30 UNDER subsection (a), commence a quiet title action and provide <--

1 notice as required under ~~this section~~. 42 PA.C.S. § 5527.1(C) (2) <--
2 AND (3) AND (D).

3 (C) NONEXCLUSIVE REMEDY.--THE RELIEF AVAILABLE UNDER THIS
4 SECTION IS INTENDED TO BE CUMULATIVE AND NOT EXCLUSIVE OF ANY
5 OTHER RIGHTS OR REMEDIES THAT MAY BE AVAILABLE UNDER LAW OR
6 EQUITY, INCLUDING, BUT NOT LIMITED TO, THE DETERMINATION OF
7 TITLE TO A DECEDENT'S INTEREST IN REAL ESTATE UNDER 20 PA.C.S. §
8 3546 (RELATING TO DETERMINATION OF TITLE TO DECEDENT'S INTEREST
9 IN REAL ESTATE).

10 ~~(e)~~ (D) Definitions.--As used in this section, the following <--
11 words and phrases shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "Action." As defined in 42 Pa.C.S. § 102 (relating to
14 definitions).

15 "Court." As defined in 42 Pa.C.S. § 102.

16 "Garden" or "community garden." Real property that has no
17 permanent structure that is managed and maintained by an
18 individual, a group of individuals or a nonprofit organization,
19 and that consists of open spaces covered with natural vegetation
20 such as grass, plants or trees or planted vegetation such as
21 vegetables, fruits or flowers for personal or group consumption,
22 for donation or for sale that is incidental in nature.

23 "Permanent structure." The term does not include fences,
24 arbors, sunshades, gazebos, pergolas, trellises, stages, raised
25 beds, composting toilets, storage structures, sheds,
26 greenhouses, hoop houses, animal containments or anything that
27 could be removed without obtaining a municipal demolition
28 permit.

29 "Real property." As defined in 42 Pa.C.S. § 5527.1(h).

30 "Vacant land." Real property that has no permanent

1 structures. A permanent structure does not include fences,
2 arbors, sunshades, gazebos, pergolas, trellises, stages, raised
3 beds, composting toilets, storage structures, sheds,
4 greenhouses, hoop houses, animal containments or anything that
5 could be removed without obtaining a municipal demolition
6 permit.

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