

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 900 Session of  
2009

INTRODUCED BY ARGALL, YAW, PIPPY, ERICKSON, RAFFERTY, KASUNIC,  
WONDERLING, COSTA, O'PAKE, BROWNE, BAKER, FERLO, WASHINGTON,  
ALLOWAY, BOSCOLA, STACK, EARLL, EICHELBERGER, WILLIAMS, WARD,  
TOMLINSON, LOGAN, FOLMER, KITCHEN AND MENSCH, JUNE 17, 2009

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 6, 2010

AN ACT

1 Amending ~~Title~~ TITLES 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND  
2 53 (Municipalities Generally) of the Pennsylvania  
3 Consolidated Statutes, IN ORGANIZATION AND JURISDICTION OF  
4 COURTS OF COMMON PLEAS, AUTHORIZING HOUSING COURTS; IN  
5 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, PROVIDING FOR  
6 DETERIORATED REAL PROPERTY EDUCATION AND TRAINING PROGRAM FOR  
7 JUDGES; AND providing for neighborhood blight reclamation and  
8 revitalization. ←

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows: ←

11 ~~Section 1. Title 53 of the Pennsylvania Consolidated~~ ←  
12 ~~Statutes is amended by adding a chapter to read:~~

13 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED ←  
14 STATUTES IS AMENDED BY ADDING SECTIONS TO READ:  
15 § 918. HOUSING COURTS.

16 (A) ESTABLISHMENT.--THE COURT OF COMMON PLEAS OF A JUDICIAL  
17 DISTRICT MAY ESTABLISH, FROM AVAILABLE FUNDS, A HOUSING COURT  
18 WHICH SHALL HAVE JURISDICTION AS PROVIDED UNDER SUBSECTION (D).  
19 THE COURT MAY ADOPT LOCAL RULES FOR THE ADMINISTRATION OF

1 HOUSING COURTS AND THEIR RELATED SERVICES SUCH AS HOUSING  
2 CLINICS TO COUNSEL CODE VIOLATORS ON THEIR RESPONSIBILITIES AND  
3 PROCEDURES TO BRING PROPERTIES INTO CODE COMPLIANCE. THE LOCAL  
4 RULES MAY NOT BE INCONSISTENT WITH THIS SECTION OR ANY RULES  
5 ESTABLISHED BY THE SUPREME COURT.

6 (B) STATEWIDE HOUSING COURTS COORDINATOR.--TO THE EXTENT  
7 THAT FUNDS ARE AVAILABLE, THE SUPREME COURT MAY APPOINT A  
8 STATEWIDE HOUSING COURTS COORDINATOR WHO MAY BE ASSIGNED OTHER  
9 RESPONSIBILITIES BY THE SUPREME COURT. THE COORDINATOR MAY:

10 (1) ENCOURAGE AND ASSIST IN THE ESTABLISHMENT OF HOUSING  
11 COURTS IN EACH JUDICIAL DISTRICT WHERE THE CASELOAD JUSTIFIES  
12 THE ESTABLISHMENT OF SUCH COURTS.

13 (2) IDENTIFY SOURCES OF FUNDING FOR HOUSING COURTS AND  
14 THEIR RELATED SERVICES, INCLUDING THE AVAILABILITY OF GRANTS.

15 (3) PROVIDE COORDINATION AND TECHNICAL ASSISTANCE FOR  
16 GRANT APPLICATIONS.

17 (4) DEVELOP MODEL GUIDELINES FOR THE ADMINISTRATION OF  
18 HOUSING COURTS AND THEIR RELATED SERVICES.

19 (5) ESTABLISH PROCEDURES FOR MONITORING HOUSING COURTS  
20 AND THEIR RELATED SERVICES AND FOR EVALUATING THE  
21 EFFECTIVENESS OF HOUSING COURTS AND THEIR RELATED SERVICES.

22 (C) ADVISORY COMMITTEE.--THE SUPREME COURT MAY ESTABLISH,  
23 FROM AVAILABLE FUNDS, AN INTERDISCIPLINARY AND INTERBRANCH  
24 ADVISORY COMMITTEE TO ADVISE AND ASSIST THE STATEWIDE HOUSING  
25 COURTS COORDINATOR IN MONITORING AND ADMINISTERING HOUSING  
26 COURTS STATEWIDE.

27 (D) JURISDICTION OF HOUSING COURT.--IN A COURT OF COMMON  
28 PLEAS WHICH HAS ESTABLISHED A HOUSING COURT PURSUANT TO THIS  
29 SECTION, THE EXCLUSIVE JURISDICTION OF THE FOLLOWING MATTERS MAY  
30 BE VESTED IN THE HOUSING COURT:

1       (1) CRIMINAL AND CIVIL ACTIONS ARISING WITHIN THE COUNTY  
2       UNDER ANY OTHER GENERAL OR SPECIAL LAW, ORDINANCE, RULE OR  
3       REGULATION CONCERNED WITH THE HEALTH, SAFETY OR WELFARE OF AN  
4       OCCUPANT OF A PLACE USED, OR INTENDED FOR USE, AS A PLACE OF  
5       HUMAN HABITATION.

6       (2) LAND USE DECISIONS APPEALED TO THE COURT OF COMMON  
7       PLEAS IN ACCORDANCE WITH ARTICLE X-A OF THE ACT OF JULY 31,  
8       1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA  
9       MUNICIPALITIES PLANNING CODE, PROVIDED THEY RELATE TO SINGLE-  
10       FAMILY AND MULTIFAMILY PROPERTIES, OR PROCEEDINGS APPEALED TO  
11       COURT IN ACCORDANCE WITH THE ACT OF JUNE 13, 1961 (P.L.282,  
12       NO.167), RELATING TO THE ESTABLISHMENT OF HISTORIC DISTRICTS.

13       (3) APPEALS FROM GOVERNMENT AGENCIES UNDER THE FORMER  
14       ACT OF DECEMBER 2, 1968 (P.L.1133, NO.353), KNOWN AS THE  
15       LOCAL AGENCY LAW, OR OTHERWISE, RELATING TO THE HOUSING,  
16       BUILDING, SAFETY, PLUMBING, MECHANICAL, ELECTRICAL, HEALTH OR  
17       FIRE ORDINANCES AND REGULATIONS OF A MUNICIPAL CORPORATION  
18       WITHIN THE COUNTY OR OF THE COUNTY ITSELF.

19       (4) MATTERS ARISING UNDER THE ACT OF APRIL 6, 1951  
20       (P.L.69, NO.20), KNOWN AS THE LANDLORD AND TENANT ACT OF  
21       1951, WHICH INVOLVE A PLACE USED, OR INTENDED FOR USE, AS A  
22       PLACE OF HUMAN HABITATION.

23       (5) MATTERS ARISING UNDER THE ACT OF NOVEMBER 10, 1999  
24       (P.L.491, NO.45), KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE  
25       ACT, WHICH INVOLVE A PLACE USED, OR INTENDED FOR USE, AS A  
26       PLACE OF HUMAN HABITATION.

27       § 1907. DETERIORATED REAL PROPERTY EDUCATION AND TRAINING  
28       PROGRAM FOR JUDGES.

29       THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS MAY DEVELOP  
30       AND IMPLEMENT ANNUAL AND ONGOING EDUCATION AND TRAINING PROGRAMS

1 FOR JUDGES, INCLUDING MAGISTERIAL DISTRICT JUDGES, REGARDING THE  
2 LAWS OF THIS COMMONWEALTH RELATING TO DETERIORATED REAL PROPERTY  
3 AND THE ECONOMIC IMPACT THAT SUCH PROPERTIES HAVE UPON  
4 MUNICIPALITIES. THE EDUCATION AND TRAINING PROGRAM SHALL  
5 INCLUDE, BUT NOT BE LIMITED TO:

6 (1) THE IMPORTANCE AND CONNECTION OF CODE VIOLATIONS AND  
7 CRIME.

8 (2) TIME-IN-FACT VIOLATIONS AS THEY RELATE TO CODE  
9 VIOLATIONS.

10 (3) CONDUCT OF WITNESSES IN PROSECUTING CODE VIOLATIONS.

11 (4) LIMITING CONTINUANCES IN CODE VIOLATIONS.

12 (5) USE OF INDIGENCY HEARINGS IN THE PROSECUTION OF CODE  
13 VIOLATIONS.

14 SECTION 2. TITLE 53 IS AMENDED BY ADDING A CHAPTER TO READ:

15 CHAPTER 61

16 NEIGHBORHOOD BLIGHT

17 RECLAMATION AND REVITALIZATION

18 Subchapter

19 A. Preliminary Provisions

20 B. Actions Against Owner of ~~Blighted Property~~ PROPERTY WITH ←  
21 SERIOUS CODE VIOLATIONS

22 C. Permit Denials by Municipalities

23 D. Miscellaneous Provisions

24 SUBCHAPTER A

25 PRELIMINARY PROVISIONS

26 Sec.

27 6101. Short title of chapter.

28 6102. LEGISLATIVE FINDINGS AND PURPOSE. ←

29 ~~6102.~~ 6103. Definitions. ←

30 § 6101. Short title of chapter.

This chapter shall be known and may be cited as the  
Neighborhood Blight Reclamation and Revitalization Act.  
§ 6102. LEGISLATIVE FINDINGS AND PURPOSE.

THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

(1) THERE ARE DETERIORATED PROPERTIES LOCATED IN ALL  
MUNICIPALITIES OF THIS COMMONWEALTH AS A RESULT OF NEGLECT BY  
THEIR OWNERS IN VIOLATION OF APPLICABLE STATE AND MUNICIPAL  
CODES.

(2) THESE DETERIORATED PROPERTIES CREATE PUBLIC  
NUISANCES WHICH HAVE AN IMPACT ON CRIME AND THE QUALITY OF  
LIFE OF OUR RESIDENTS AND REQUIRE SIGNIFICANT EXPENDITURES OF  
PUBLIC FUNDS IN ORDER TO ABATE AND CORRECT THE NUISANCES.

(3) IN ORDER TO ADDRESS THESE SITUATIONS, IT IS  
APPROPRIATE TO DENY CERTAIN GOVERNMENTAL PERMITS AND  
APPROVALS IN ORDER:

(I) TO PROHIBIT PROPERTY OWNERS FROM FURTHER  
EXTENDING THEIR FINANCIAL COMMITMENTS SO AS TO RENDER  
THEMSELVES UNABLE TO ABATE OR CORRECT THE CODE, STATUTORY  
AND REGULATORY VIOLATIONS OR TAX DELINQUENCIES.

(II) TO REDUCE THE LIKELIHOOD THAT OTHER  
MUNICIPALITIES WILL HAVE TO ADDRESS THE OWNERS' NEGLECT  
AND RESULTING DETERIORATED PROPERTIES.

(III) TO SANCTION THE OWNERS FOR NOT ADHERING TO  
THEIR LEGAL OBLIGATIONS TO THE COMMONWEALTH AND ITS  
MUNICIPALITIES, AS WELL AS TO TENANTS, ADJOINING PROPERTY  
OWNERS AND NEIGHBORHOODS.

~~§ 6102~~ 6103. Definitions.

The following words and phrases when used in this chapter  
shall have the meanings given to them in this section unless the  
context clearly indicates otherwise:

~~"Blighted property." Any of the following:~~

~~(1) Premises which, because of physical condition or use, have been declared by a court of competent jurisdiction as a public nuisance at common law or have been declared a public nuisance in accordance with State laws and related municipal codes and ordinances, including nuisance and dangerous building ordinances.~~

~~(2) Premises which, because of physical condition, use or occupancy, are considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.~~

~~(3) A dwelling which, because it is dilapidated, unsanitary, unsafe, vermin infested or lacking in the facilities and equipment required under the housing code of the municipality, has been designated by the municipal department responsible for enforcement of the code as unfit for human habitation.~~

~~(4) A structure which is a fire hazard.~~

~~(5) A vacant or unimproved lot or parcel of ground in a predominantly built up neighborhood which, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents or other vermin.~~

~~(6) An unoccupied property which has been tax delinquent for a period of two years.~~

~~(7) A property which is vacant but not tax delinquent and which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.~~

1 "Building." A residential, commercial or industrial building  
2 or structure and the land appurtenant to it.

3 "Code." A building, housing, property maintenance, fire,  
4 health or other public safety ordinance enacted by a  
5 municipality. THE TERM DOES NOT INCLUDE A SUBDIVISION AND LAND ←  
6 DEVELOPMENT ORDINANCE OR A ZONING ORDINANCE ENACTED BY A  
7 MUNICIPALITY.

8 "Competent entity." A person or entity, including a ←  
9 governmental unit, with experience in the rehabilitation of  
10 residential, commercial or industrial buildings and the ability  
11 to provide or obtain the necessary financing for such  
12 rehabilitation.

13 "Consumer." A person who is a named insured, insured or  
14 beneficiary of a policy of insurance or any other person who may  
15 be affected by the Insurance Department's exercise of or the  
16 failure to exercise its authority.

17 "Cost of rehabilitation." Costs and expenses for  
18 construction, stabilization, rehabilitation, demolition and  
19 reasonable nonconstruction costs associated with any of these  
20 projects, including, but not limited to, environmental  
21 remediation, architectural, engineering and legal fees, permits,  
22 financing fees and a developer's fee consistent with the  
23 standards for developer's fees established by the Pennsylvania  
24 Housing Finance Agency.

25 "Court." The appropriate court of common pleas.

26 "Mortgage lender." A business association defined as a  
27 "banking institution" or "mortgage lender" under 7 Pa.C.S. Ch.  
28 61 (relating to mortgage loan industry licensing and consumer  
29 protection) that is in possession of or holds title to real  
30 property pursuant to, in enforcement of or to protect rights

1 arising under, a mortgage, mortgage note, deed of trust or other  
2 transaction that created a security interest in the real  
3 property.

4 "Municipality." A city, borough, incorporated town, township  
5 or home rule, optional plan or optional charter municipality or  
6 municipal authority in this Commonwealth. The term also includes ←  
7 any other governmental entity charged with enforcement of  
8 municipal housing, building, plumbing, fire and related codes  
9 and specifically includes a neighborhood improvement district  
10 and nonprofit corporation created under the act of December 20,  
11 2000 (P.L.949, No.130), known as the Neighborhood Improvement  
12 District Act AND ANY ENTITY FORMED PURSUANT TO 53 PA.C.S. CH. 23 ←  
13 SUBCH. A (RELATING TO INTERGOVERNMENTAL COOPERATION).

14 "Municipal permits." Privileges relating to real property  
15 granted by a municipality, including, but not limited to,  
16 building permits, exceptions to zoning ordinances and occupancy  
17 permits. THE TERM INCLUDES APPROVALS PURSUANT TO LAND USE ←  
18 ORDINANCES OTHER THAN DECISIONS ON THE SUBSTANTIVE VALIDITY OF A  
19 ZONING ORDINANCE OR MAP OR THE ACCEPTANCE OF A CURATIVE  
20 AMENDMENT.

21 "Owner." A holder of the title to residential, commercial or  
22 industrial real estate, other than a mortgage lender, who  
23 possesses and controls the real estate. The term includes, but  
24 is not limited to, heirs, assigns, beneficiaries and lessees,  
25 provided this ownership interest is a matter of public record.

26 ~~"Property maintenance code." A municipal ordinance which~~ ←  
27 ~~regulates the maintenance or development of real property.~~

28 ~~"Property maintenance code violation." A violation of a~~  
29 ~~municipal property maintenance code.~~

30 "Public nuisance." Property which, because of its physical



condition or use, is regarded as a public nuisance at common law or has been declared by the appropriate official a public nuisance in accordance with a municipal code.

"Serious violation." A violation of a State law or ~~municipal~~ A code that poses an ~~immediate~~ IMMINENT threat to the health and safety of a dwelling occupant, occupants in surrounding structures or passersby.

"STATE LAW." A STATUTE OF THE COMMONWEALTH OR A REGULATION OF AN AGENCY CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF COMMONWEALTH LAW.

"Substantial step." An affirmative action as determined by ~~an independent third party~~ A PROPERTY CODE OFFICIAL or officer of the court on the part of a property owner or managing agent to remedy a serious violation of a State law or municipal code, including, but not limited to, physical improvements or ~~repairs~~ REPAIRS to the property, WHICH AFFIRMATIVE ACTION IS SUBJECT TO APPEAL IN ACCORDANCE WITH APPLICABLE LAW.

"Tax delinquent property." Tax delinquent real property as ~~defined under the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, located in any municipality in this Commonwealth.~~ DEFINED UNDER:

(1) THE ACT OF JULY 7, 1947 (P.L.1368, NO.542), KNOWN AS THE REAL ESTATE TAX SALE LAW;

(2) THE ACT OF MAY 16, 1923 (P.L.207, NO. 153), REFERRED TO AS THE MUNICIPAL CLAIM AND TAX LIEN LAW; OR

(3) THE ACT OF OCTOBER 11, 1984 (P.L.876, NO.171, KNOWN AS THE SECOND CLASS CITY TREASURER'S SALE AND COLLECTION ACT, LOCATED IN ANY MUNICIPALITY IN THIS COMMONWEALTH.

#### SUBCHAPTER B

#### ACTIONS AGAINST OWNER OF BLIGHTED PROPERTY

PROPERTY WITH SERIOUS CODE VIOLATIONS

Sec.

6111. Actions.

6112. Asset attachment.

6113. Duty of out-of-State owners of real estate in this  
Commonwealth.

6114. Duty of ~~corporate~~ ASSOCIATION AND TRUST owners.

§ 6111. Actions.

In addition to ~~other remedies~~ ANY OTHER REMEDY AVAILABLE AT  
LAW OR IN EQUITY, a municipality may institute the following  
actions against the owner of any ~~building, housing or land~~ REAL  
PROPERTY THAT IS in serious violation of ~~an ordinance regarding~~  
~~a code or which causes the property to be blighted~~ FOR FAILURE  
TO CORRECT A CONDITION WHICH CAUSES THE PROPERTY TO BE REGARDED  
AS A PUBLIC NUISANCE:

~~(1) An in personam action may be initiated for a  
continuing violation for which the owner takes no substantial  
step to correct within six months following receipt of an  
order to correct the violation, unless the order is subject  
to a pending appeal before the administrative agency or  
court.~~

~~(2) An action against the owner shall be for an amount  
equal to any penalties imposed against the owner and for the  
amount expended by the municipality to abate the violation.~~

(1) (I) AN IN PERSONAM ACTION MAY BE INITIATED FOR A  
CONTINUING VIOLATION FOR WHICH THE OWNER TAKES NO  
SUBSTANTIAL STEP TO CORRECT WITHIN SIX MONTHS FOLLOWING  
RECEIPT OF AN ORDER TO CORRECT THE VIOLATION, UNLESS THE  
ORDER IS SUBJECT TO A PENDING APPEAL BEFORE THE  
ADMINISTRATIVE AGENCY OR COURT.

1           (II) NOTWITHSTANDING ANY LAW LIMITING THE FORM OF  
2           ACTION FOR THE RECOVERY OF PENALTIES BY A MUNICIPALITY  
3           FOR THE VIOLATION OF A CODE, THE MUNICIPALITY MAY  
4           RECOVER, IN A SINGLE ACTION UNDER THIS SECTION, AN AMOUNT  
5           EQUAL TO ANY PENALTIES IMPOSED AGAINST THE OWNER AND ANY  
6           COSTS OF REMEDIATION LAWFULLY INCURRED BY, OR ON BEHALF  
7           OF, THE MUNICIPALITY TO REMEDY ANY CODE VIOLATION.

8           ~~(3)~~ (2) A proceeding in equity. ←

9   § 6112. Asset attachment.

10       (a) General rule.--A lien may be placed against the assets  
11       of an owner of ~~unremediated blighted~~ real property THAT IS IN ←  
12       SERIOUS VIOLATION OF A CODE OR IS REGARDED AS A PUBLIC NUISANCE  
13       after a judgment, decree or order is entered by a court of  
14       competent jurisdiction against the owner of the property FOR AN ←  
15       ADJUDICATION UNDER SECTION 6111 (RELATING TO ACTIONS).

16       (b) Construction.--Nothing in this section shall be  
17       construed to authorize, in the case of an owner that is a ←  
18       ~~corporation~~ AN ASSOCIATION OR TRUST, a lien on the individual ←  
19       assets of the ~~shareholders of the corporation~~ GENERAL PARTNER OR ←  
20       TRUSTEE, EXCEPT AS OTHERWISE ALLOWED BY LAW, LIMITED PARTNER,  
21       SHAREHOLDER, MEMBER OR BENEFICIARY OF THE ASSOCIATION OR TRUST.  
22       THIS LIMITATION OF LIABILITY SHALL BE THE SAME AS PROVIDED UNDER ←  
23       ~~15 PA.C.S. PT. IV (RELATING TO UNINCORPORATED ASSOCIATIONS), FOR~~  
24       ~~OWNERS OR MEMBERS OF ASSOCIATIONS.~~

25   § 6113. Duty of out-of-State owners of ~~real estate~~ PROPERTY in ←  
26       this Commonwealth.

27       A person who lives or has a principal place of residence  
28       outside this Commonwealth, who owns ~~real estate~~ PROPERTY in this ←  
29       Commonwealth against which code violations have been cited under ←  
30       ~~18 Pa.C.S. § 7510 (relating to municipal housing code avoidance)~~

1 AND THE PERSON IS CHARGED UNDER 18 PA.C.S. (RELATING TO CRIMES  
2 AND OFFENSES), and who has been properly notified of the  
3 violations may be extradited to this Commonwealth to face  
4 criminal prosecution TO THE FULL EXTENT ALLOWED AND IN THE  
5 MANNER AUTHORIZED BY 42 PA.C.S. CH. 91 (RELATING TO DETAINERS  
6 AND EXTRADITION).

7 § 6114. Duty of ~~corporate~~ ASSOCIATION AND TRUST owners.

8 Where, after reasonable efforts, service of process for a  
9 notice or citation for any code violation for any REAL property  
10 owned by a ~~corporation or business association~~ AN ASSOCIATION OR  
11 TRUST cannot be accomplished by handing a copy of the notice or  
12 citation to an executive officer, partner or trustee of the  
13 ~~corporation or business~~ association OR TRUST or to the manager,  
14 trustee or clerk in charge of the property, the delivery of the  
15 notice or citation may occur by registered, CERTIFIED OR UNITED  
16 STATES EXPRESS mail, accompanied by a delivery confirmation:

17 (1) To the registered office of the ~~corporation or~~  
18 ~~business~~ association OR TRUST.

19 (2) Where a ~~corporation or business association~~ THE  
20 ASSOCIATION OR TRUST does not have a registered office, to  
21 the mailing address used for real estate tax collection  
22 purposes, if accompanied by the posting of a conspicuous  
23 notice to the property and by handing a copy of the notice or  
24 citation to ~~any adult in possession of the property~~ THE  
25 PERSON IN CHARGE OF THE PROPERTY AT THAT TIME.

## 26 SUBCHAPTER C

### 27 PERMIT DENIALS BY MUNICIPALITIES

28 Sec.

29 6131. Municipal permit denial.

30 § 6131. Municipal permit denial.

1     (a) Denial.--

2             (1) A municipality OR A BOARD UNDER SUBSECTION (C) may ←  
3     deny issuing to an applicant a building permit, zoning ←  
4     permit, zoning variance, municipal license, municipal permit  
5     or municipal approval for contemplated action that requires  
6     the approval of the municipality MUNICIPAL PERMIT, if the ←  
7     applicant owns real property in any municipality for which  
8     there exists on the real property:

9             (i) a final and unappealable tax, water, sewer or  
10     refuse collection delinquency on account of the actions  
11     of the owner; or

12             (ii) a serious violation of State law or municipal A ←  
13     code and the owner has taken no substantial steps to  
14     correct the violation within six months following  
15     notification of the violation AND FOR WHICH FINES OR ←  
16     OTHER PENALTIES OR A JUDGMENT TO ABATE OR CORRECT WERE  
17     IMPOSED BY A MAGISTERIAL DISTRICT JUDGE OR MUNICIPAL  
18     COURT, OR A JUDGMENT AT LAW OR IN EQUITY WAS IMPOSED BY A  
19     COURT OF COMMON PLEAS. HOWEVER, NO DENIAL SHALL BE  
20     PERMITTED ON THE BASIS OF A PROPERTY FOR WHICH THE  
21     JUDGMENT, ORDER OR DECREE IS SUBJECT TO A STAY OR  
22     SUPERSEDEAS BY AN ORDER OF A COURT OF COMPETENT  
23     JURISDICTION OR AUTOMATICALLY ALLOWED BY STATUTE OR RULE  
24     OF COURT UNTIL THE STAY OR SUPERSEDEAS IS LIFTED BY THE  
25     COURT OR A HIGHER COURT OR THE STAY OR SUPERSEDEAS  
26     EXPIRES AS OTHERWISE PROVIDED BY LAW. WHERE A STAY OR  
27     SUPERSEDEAS IS IN EFFECT, THE PROPERTY OWNER SHALL SO  
28     ADVISE THE MUNICIPALITY SEEKING TO DENY A MUNICIPAL  
29     PERMIT.

30             (2) The municipal permit denial shall not apply to an ←

~~applicant's action to correct a violation of an applicable~~  
~~State law or municipal code for which the building permit,~~  
~~zoning permit, zoning variance, municipal license, municipal~~  
~~permit or municipal approval for contemplated action~~  
~~requiring such approval is required~~ A MUNICIPALITY OR BOARD  
SHALL NOT DENY A MUNICIPAL PERMIT TO AN APPLICANT IF THE  
MUNICIPAL PERMIT IS NECESSARY TO CORRECT A VIOLATION OF STATE  
LAW OR A CODE.

(3) The municipal permit denial shall not apply to an  
applicant's delinquency on taxes, water, sewer or refuse  
collection charges that are under appeal or otherwise  
contested through a court or administrative process.

(4) IN ISSUING A DENIAL OF A PERMIT BASED ON AN  
APPLICANT'S DELINQUENCY IN REAL PROPERTY TAXES OR MUNICIPAL  
CHARGES OR FOR FAILURE TO ABATE A SERIOUS VIOLATION OF STATE  
LAW OR A CODE ON REAL PROPERTY THAT THE APPLICANT OWNS IN  
THIS COMMONWEALTH, THE MUNICIPALITY OR BOARD SHALL INDICATE  
THE STREET ADDRESS, MUNICIPAL CORPORATION AND COUNTY IN WHICH  
THE PROPERTY IS LOCATED AND THE COURT AND DOCKET NUMBER FOR  
EACH PARCEL CITED AS A BASIS FOR THE DENIAL. THE DENIAL SHALL  
ALSO STATE THAT THE APPLICANT MAY REQUEST A LETTER OF  
COMPLIANCE FROM THE APPROPRIATE STATE AGENCY, MUNICIPALITY OR  
SCHOOL DISTRICT, IN A FORM SPECIFIED BY SUCH ENTITY AS  
PROVIDED IN THIS SECTION.

(b) Proof of compliance.--

(1) All municipal ~~variances, approvals, permits or~~  
~~licenses~~ PERMITS DENIED IN ACCORDANCE WITH THIS SUBSECTION  
may be withheld until an applicant obtains a letter from the  
appropriate State agency, municipality or school district  
indicating the following:

(i) the property in question is not presently tax delinquent HAS NO FINAL AND UNAPPEALABLE TAX, WATER, SEWER OR REFUSE DELINQUENCIES;

(ii) the property in question is now in STATE LAW AND code compliance; or

(iii) the owner of the property has presented and the appropriate State agency or municipality has accepted a plan to begin remediation of a serious violation of State law or ~~municipal~~ A code. Acceptance of the plan may be contingent on:

(A) Beginning the remediation plan within no fewer than 30 days following acceptance of the plan OR SOONER, IF MUTUALLY AGREEABLE TO BOTH THE PROPERTY OWNER AND THE MUNICIPALITY.

(B) Completing the remediation plan within no fewer than 90 days following commencement of the plan OR SOONER, IF MUTUALLY AGREEABLE TO BOTH THE PROPERTY OWNER AND THE MUNICIPALITY.

(2) IN THE EVENT THAT THE APPROPRIATE STATE AGENCY, MUNICIPALITY OR SCHOOL DISTRICT FAILS TO ISSUE A LETTER INDICATING ~~EITHER TAX~~ TAX, WATER, SEWER, REFUSE, STATE LAW OR CODE COMPLIANCE OR NONCOMPLIANCE, AS THE CASE MAY BE, WITHIN 45 DAYS OF THE REQUEST, THE PROPERTY IN QUESTION SHALL BE DEEMED TO BE IN COMPLIANCE FOR THE PURPOSE OF THIS SECTION. THE APPROPRIATE STATE AGENCY, MUNICIPALITY OR SCHOOL DISTRICT SHALL SPECIFY THE FORM IN WHICH THE REQUEST FOR A COMPLIANCE LETTER SHALL BE MADE.

~~(2)~~ (3) Letters required under this subsection SECTION shall be verified by the appropriate municipal officials before issuing to the applicant a municipal variance,

~~approval, permit or license~~ PERMIT.

(4) (I) MUNICIPAL PERMITS MAY BE DENIED BY A BOARD IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION TO THE EXTENT THAT APPROVAL OF THE MUNICIPAL PERMIT IS WITHIN THE JURISDICTION OF THE BOARD. FOR PURPOSES OF THIS SECTION, "BOARD" SHALL MEAN A ZONING HEARING BOARD OR OTHER BODY GRANTED JURISDICTION TO RENDER DECISIONS IN ACCORDANCE WITH THE ACT OF JULY 31, 1968 (P.L.805, NO.247), KNOWN AS THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, OR A SIMILAR BOARD IN MUNICIPALITIES NOT SUBJECT TO THAT ACT.

(II) IN ANY PROCEEDING BEFORE A BOARD OTHER THAN THE GOVERNING BODY OF THE MUNICIPALITY, THE MUNICIPALITY MAY APPEAR TO PRESENT EVIDENCE THAT THE APPLICANT IS SUBJECT TO A DENIAL BY THE BOARD IN ACCORDANCE WITH THIS SECTION.

(III) FOR PURPOSES OF THIS SUBSECTION, A MUNICIPAL PERMIT MAY ONLY BE DENIED TO AN APPLICANT OTHER THAN AN OWNER IF:

(A) THE APPLICANT IS ACTING UNDER THE DIRECTION, OR WITH THE PERMISSION, OF AN OWNER; AND

(B) THE OWNER OWNS REAL PROPERTY SATISFYING THE CONDITIONS OF SUBSECTION (A).

(c) Applicability of other law.--A denial of a ~~building permit, zoning permit, zoning variance, municipal license, municipal permit or municipal approval for contemplated actions that requires approval of a municipality~~ PERMIT shall be subject to the provisions of 2 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action) OR THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, FOR DENIALS SUBJECT



1 TO THE ACT.

2 SUBCHAPTER D

3 MISCELLANEOUS PROVISIONS

4 Sec.

5 6141. Education and training programs for judges (RESERVED). ←

6 6142. County housing courts (RESERVED). ←

7 6143. Conflict with other laws.

8 6144. RELIEF FOR INHERITED PROPERTY. ←

9 6145. CONSTRUCTION.

10 § 6141. Education and training programs for judges (RESERVED). ←

11 The Administrative Office of Pennsylvania Courts may develop ←  
12 and implement annual and ongoing education and training programs  
13 for judges, including magisterial district judges, regarding the  
14 laws of this Commonwealth relating to blighted and abandoned  
15 property and the economic impact that blighted and abandoned  
16 properties have upon municipalities. The education and training  
17 programs shall include, but not be limited to:

18 (1) The importance and connection of code violations and  
19 crime.

20 (2) Time in fact violations as they relate to code  
21 violations.

22 (3) Conduct of witnesses in prosecuting code violations.

23 (4) Limiting continuances in code violations.

24 (5) Use of indigency hearings in the prosecution of code  
25 violations.

26 § 6142. County housing courts (RESERVED). ←

27 Upon a request or approval of a resolution by the county ←  
28 commissioners, the president judge of a county may establish a  
29 housing court to hear and decide matters arising under this  
30 chapter and other laws relating to real property matters.

1 § 6143. Conflict with other law.

2 In the event of a conflict between the requirements of this  
3 chapter and Federal requirements applicable to demolition,  
4 disposition or redevelopment of buildings, structures or land  
5 owned by or held in trust for the Government of the United  
6 States and regulated pursuant to the United States Housing Act  
7 of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and the  
8 regulations promulgated thereunder, the Federal requirements  
9 shall prevail.

10 § 6144. RELIEF FOR INHERITED PROPERTY. ←

11 WHERE PROPERTY IS INHERITED BY WILL OR INTESTACY, THE DEVISEE  
12 OR HEIR SHALL BE GIVEN THE OPPORTUNITY TO MAKE PAYMENTS ON  
13 REASONABLE TERMS TO CORRECT CODE VIOLATIONS OR TO ENTER INTO A  
14 REMEDICATION AGREEMENT UNDER SECTION 6131(B)(1)(III) (RELATING TO  
15 MUNICIPAL PERMIT DENIAL) WITH A MUNICIPALITY TO AVOID SUBJECTING  
16 THE DEVISEE'S OR HEIR'S OTHER PROPERTIES TO ASSET ATTACHMENT OR  
17 DENIAL OF PERMITS AND APPROVALS ON OTHER PROPERTIES OWNED BY THE  
18 DEVISEE OR HEIR.

19 § 6145. CONSTRUCTION.

20 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO ABRIDGE OR  
21 ALTER THE REMEDIES NOW EXISTING AT COMMON LAW OR BY STATUTE, BUT  
22 THE PROVISIONS OF THIS CHAPTER ARE IN ADDITION TO SUCH REMEDIES.

23 Section 2 3. This act shall take effect in ~~90~~ 180 days. ←