
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1062 Session of
2023

INTRODUCED BY STURLA, MADDEN, CIRESI, SANCHEZ, McANDREW, MERSKI,
FREEMAN, HILL-EVANS AND HARKINS, APRIL 28, 2023

REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,
APRIL 28, 2023

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in neighborhood blight reclamation and
3 revitalization, providing for State blight data collection
4 system.

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

7 Section 1. Chapter 61 of Title 53 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER C.1

10 STATE BLIGHT DATA COLLECTION SYSTEM

11 Sec.

12 6135.1. Definitions.

13 6135.2. Property Maintenance Code Violations Registry.

14 6135.3. Property maintenance code violation reports.

15 6135.4. Dissemination of information by department.

16 6135.5. Expungement.

17 6135.6. Administrative requirements.

18 6135.7. Audit.

1 6135.8. Imposition of surcharge.

2 6135.9. Duty of Attorney General.

3 § 6135.1. Definitions.

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

7 "Department." The Department of Community and Economic
8 Development of the Commonwealth.

9 "Municipal claim." The term shall mean the same as defined
10 in the act of May 16, 1923 (P.L.207, No.153), referred to as the
11 Municipal Claim and Tax Lien Law.

12 "Registry." The Property Maintenance Code Violations
13 Registry established under section 6135.2 (relating to Property
14 Maintenance Code Violations Registry).

15 § 6135.2. Property Maintenance Code Violations Registry.

16 (a) Establishment.--The Property Maintenance Code Violations
17 Registry is established. The department shall implement and
18 administer the registry.

19 (b) Purpose.--The registry shall contain property
20 maintenance code violation reports filed by municipalities under
21 section 6135.3 (relating to property maintenance code violation
22 reports).

23 § 6135.3. Property maintenance code violation reports.

24 (a) Duty to file report.--A municipality shall file a
25 property maintenance code violation report for a person who owns
26 real property within the municipality with current serious
27 property maintenance code violations that remain unabated for at
28 least 180 days.

29 (b) Forms provided.--Property maintenance code violation
30 reports shall be made on forms provided by the department and

1 submitted electronically.

2 (c) Information included.--Property maintenance code
3 violation reports shall include the following information:

4 (1) The name of the owner whose real property has been
5 cited for a serious property maintenance code violation.

6 (2) If the real property is owned by a corporation,
7 limited liability company or other business entity, the
8 information on record at the Department of Transportation in
9 connection with the driver's licenses for each officer of the
10 corporation.

11 (3) The physical address and county of the real
12 property.

13 (4) A description of the condition of the real property
14 that resulted in the serious property maintenance code
15 violation and substantial steps the owner has taken to
16 correct the violation.

17 (5) The date of the original property maintenance code
18 violation and subsequent follow-up inspections.

19 (6) The number of municipal claims or liens attached to
20 the real property.

21 (7) The name of the municipality filing the report.

22 (d) Expungement.--A municipality that files a property
23 maintenance code violation report shall follow the guidelines
24 for expungement under section 6135.5 (relating to expungement).

25 (e) Failure to report compliance.--In the event that the
26 appropriate State agency or municipality fails to issue a letter
27 indicating either tax, water, sewer, refuse, State law or code
28 compliance or noncompliance, within 45 days of the request, the
29 property in question shall be deemed to be in compliance for the
30 purposes of this section.

1 § 6135.4. Dissemination of information by department.

2 (a) Availability of information.--Information contained in a
3 property maintenance code violation report shall be accessible
4 for inspection and duplication in accordance with the act of
5 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

6 (b) Requests by municipalities.--

7 (1) A municipality may request a copy of a property
8 maintenance code violation report on a pending applicant for
9 a municipal permit by submitting a property maintenance code
10 violation report request form to the department or requesting
11 the form electronically.

12 (2) The department shall disseminate a property
13 maintenance code violation report relating to a municipal
14 permit applicant to the requesting municipality within five
15 business days of receipt of a property maintenance code
16 violation report request from the municipality.

17 (3) The municipality shall notify an applicant in
18 writing of the reasons for a decision that denies the
19 applicant a municipal permit if the decision is based in
20 whole or in part on information contained in the registry.

21 (c) Requests by Commonwealth.--

22 (1) A Commonwealth agency may request a copy of a
23 property maintenance code violation report on a pending
24 applicant for licensing or certification by submitting a
25 property maintenance code violation report request form to
26 the department or requesting the form electronically.

27 (2) The department shall disseminate a property
28 maintenance code violation report relating to a State license
29 or certification applicant to a requesting Commonwealth
30 agency within two weeks of receipt of a property maintenance

1 code violation report request from the agency.

2 (3) The Commonwealth agency shall notify the applicant
3 in writing of the reasons for a decision that denies the
4 licensing or certification requested by the applicant if the
5 decision is based in whole or in part on information
6 contained in the registry.

7 (d) Hearing.--If requested by an applicant, a hearing shall
8 be scheduled by the municipality or Commonwealth agency on
9 appeal of a decision made as a result of municipal property
10 maintenance code violation convictions under subsection (b)(3)
11 or (c)(3). If the applicant can show cause why the municipal
12 property maintenance code violation should not be considered,
13 the municipal or Commonwealth agency shall reevaluate a request
14 by the applicant for a municipal permit, State license or
15 certification, as applicable.

16 (e) Record of dissemination.--The department shall maintain
17 a listing of Commonwealth agencies and all municipalities that
18 have requested information on a particular real property owner
19 and the date on which the information was disseminated. This
20 listing shall be maintained separate from the registry.

21 (f) Fee.--The department may not assess a fee for the
22 dissemination of property maintenance code violation
23 information.

24 § 6135.5. Expungement.

25 A municipality that files a report with the department shall
26 subsequently notify the department when the real property is
27 brought into code compliance. Upon notification by the
28 municipality, the department shall include the information as
29 part of the official record for the specific property and owner
30 of the real property.

1 § 6135.6. Administrative requirements.

2 (a) Regulations.--The department shall establish procedures
3 for the completeness and accuracy of information in the registry
4 and shall promulgate the regulations necessary to carry out the
5 department's duty of maintaining the registry.

6 (b) Forms.--The department shall develop property
7 maintenance code violation report forms and property maintenance
8 code violation report request forms, as well as procedures to
9 obtain the information electronically.

10 (c) Security requirements.--The department shall maintain
11 the confidentiality and security of the information contained in
12 the registry by providing that:

13 (1) Procedures have been instituted to reasonably
14 protect the registry from theft, fire, sabotage, flood, wind
15 or other natural or manmade disasters.

16 (2) All personnel authorized to access registry
17 information are selected, supervised and trained accordingly.

18 § 6135.7. Audit.

19 (a) Duty of Auditor General.--The Auditor General shall
20 conduct annual performance audits of registry operations for the
21 first three years of the registry's existence and then every
22 five years thereafter.

23 (b) Access to records.--The department shall provide
24 auditors with access to all records, reports and listings
25 required to conduct an audit of property maintenance code
26 violations record information. Persons that have supervision of
27 or are authorized to receive registry information shall
28 cooperate with auditors and provide requested information.

29 (c) Contents of audit.--The audit shall report in writing
30 deficiencies and recommendations for correcting the

1 deficiencies. The department shall respond to the audit
2 recommendations within a reasonable period of time unless the
3 audit report is appealed to the Auditor General and the appeal
4 is upheld.

5 (d) Modification of recommendations.--Upon appeal of the
6 audit recommendations by the department, the Auditor General may
7 modify corrective measures recommended by auditors.

8 § 6135.8. Imposition of surcharge.

9 A property owner that is in violation of a municipal property
10 maintenance code for more than 90 days without an attempt by the
11 property owner to remediate the violation shall be subject to a
12 surcharge in the amount of \$500 for each inspection by a local
13 codes official that reveals one or more municipal property
14 maintenance code violations. The following apply to the
15 surcharge:

16 (1) The surcharge shall be in addition to other
17 applicable fees or charges lawfully collected by the
18 municipality and court.

19 (2) The municipality shall collect the surcharge and
20 remit all money to the department on a quarterly basis.

21 (3) Money generated by the surcharge shall be used to
22 finance the Statewide implementation of the registry and to
23 conduct training of the judiciary in accordance with 42
24 Pa.C.S. § 1907 (relating to deteriorated real property
25 education and training program for judges).

26 § 6135.9. Duty of Attorney General.

27 (a) Out-of-State property owners.--For a person who lives or
28 has a principal place of residence outside this Commonwealth and
29 owns real estate property in this Commonwealth, upon written
30 request by a municipality, the Attorney General may assist the

1 municipality in pursuing compliance of the property owner in
2 order to bring the property up to municipal code if:

3 (1) A serious code violation has been cited.

4 (2) The property owner is charged under 18 Pa.C.S.
5 (relating to crimes and offenses).

6 (3) The property owner was properly notified of the
7 violations.

8 (b) Remedies.--For a violation under subsection (a), the
9 Attorney General may send a warning letter to the property owner
10 or file a court proceeding on behalf of the municipality.

11 Section 2. This act shall take effect in 120 days.