

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1062 Session of 2023

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

AS REPORTED FROM COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 26, 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-; ESTABLISHING THE PROPERTY MAINTENANCE CODE SERIOUS <--
5 VIOLATIONS REGISTRY AND THE PROPERTY MAINTENANCE CODE SERIOUS
6 VIOLATIONS REGISTRY ACCOUNT; AND MAKING A TRANSFER FROM THE
7 GENERAL FUND.

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

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

12 SUBCHAPTER C.1

13 STATE BLIGHT DATA COLLECTION SYSTEM

14 Sec.

15 6135.1. Definitions.

16 6135.2. Property Maintenance Code SERIOUS Violations Registry. <--

17 6135.3. Property maintenance code SERIOUS violation reports. <--

18 6135.4. Dissemination of information by department.

19 6135.5. Expungement. CHANGING STATUS OF PROPERTY ON REGISTRY. <--

1 6135.6. Administrative requirements.  
2 6135.7. Audit.  
3 6135.8. Imposition of ~~surcharge~~ REGISTRY PENALTY. <--

4 6135.9. APPROPRIATION. <--

5 ~~6135.9~~ 6135.10. Duty of Attorney General. <--

6 § 6135.1. Definitions.

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

10 "Department." The Department of Community and Economic  
11 Development of the Commonwealth.

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

15 "Registry." The Property Maintenance Code SERIOUS Violations <--  
16 Registry established under section 6135.2 (relating to Property  
17 Maintenance Code SERIOUS Violations Registry). <--

18 § 6135.2. Property Maintenance Code SERIOUS Violations <--  
19 Registry.

20 (a) Establishment.--The Property Maintenance Code SERIOUS <--  
21 Violations Registry is established. The department shall  
22 implement and administer the registry.

23 (b) Purpose.--The registry shall contain property  
24 maintenance code SERIOUS violation reports filed by <--  
25 municipalities under section 6135.3 (relating to property  
26 maintenance code SERIOUS violation reports). <--

27 § 6135.3. Property maintenance code SERIOUS violation reports. <--

28 ~~(a) Duty to file report~~ FILING.--A municipality shall <--  
29 file a property maintenance code violation report for a person  
30 who owns real property within the municipality with current

1 serious property maintenance code violations that remain  
2 unabated for at least ~~180 days~~. ONE YEAR UNLESS THE MUNICIPALITY <--  
3 CAN DEMONSTRATE THAT IT HAS, FOR AT LEAST ONE YEAR, CITED  
4 SERIOUS VIOLATIONS ON A PROPERTY PRIOR TO ESTABLISHMENT OF THE  
5 REGISTRY.

6 (b) Forms provided.--Property maintenance code SERIOUS <--  
7 violation reports shall be made on forms provided by the  
8 department and submitted electronically.

9 (c) Information included.--Property maintenance code SERIOUS <--  
10 violation reports shall include the following information:

11 (1) The name of the owner whose real property has been  
12 cited for a serious property maintenance code violation. IF <--  
13 THE PROPERTY OWNER IS A LIMITED LIABILITY COMPANY OR OTHER  
14 BUSINESS ENTITY THAT DOES NOT LIST THE PRINCIPALS OF THE  
15 LIMITED LIABILITY COMPANY OR OTHER BUSINESS ENTITY, THE  
16 DEPARTMENT OR THE DEPARTMENT'S THIRD-PARTY ENTITY SHALL  
17 ATTEMPT TO FIND THOSE PRINCIPALS OR THEIR AGENTS AND ADD  
18 THEIR NAMES TO THE REGISTRY, IN ADDITION TO THE NAME OF THE  
19 LIMITED LIABILITY COMPANY OR OTHER BUSINESS ENTITY.

20 (2) ~~If the real property is owned by a corporation,~~ <--  
21 ~~limited liability company or other business entity, the~~  
22 ~~information on record at the Department of Transportation in~~  
23 ~~connection with the driver's licenses for each officer of the~~  
24 ~~corporation.~~ A COPY OF THE CITATION ISSUED TO THE REAL <--  
25 PROPERTY OWNER.

26 (3) The physical address, TAX PARCEL NUMBER and county <--  
27 of the real property.

28 (4) ~~A description of the condition of the real property <--~~  
29 ~~that resulted in the serious property maintenance code~~  
30 ~~violation and substantial steps the owner has taken to~~

1 ~~correct the violation.~~

2 ~~(5) The date of the original property maintenance code~~  
3 ~~violation and subsequent follow up inspections.~~

4 ~~(6) (4) The number of municipal claims or liens attached~~ <--  
5 ~~to the real property BY THE FILING MUNICIPALITY.~~ <--

6 ~~(7) The name of the municipality filing the report.~~ <--

7 ~~(d) Expungement. A municipality that files a property~~  
8 ~~maintenance code violation report shall follow the guidelines~~  
9 ~~for expungement under section 6135.5 (relating to expungement).~~

10 ~~(e) Failure to report compliance. In the event that the~~  
11 ~~appropriate State agency or municipality fails to issue a letter~~  
12 ~~indicating either tax, water, sewer, refuse, State law or code~~  
13 ~~compliance or noncompliance, within 45 days of the request, the~~  
14 ~~property in question shall be deemed to be in compliance for the~~  
15 ~~purposes of this section.~~

16 ~~(D) ACCESS.--THE DEPARTMENT SHALL MAKE THE REGISTRY~~ <--  
17 ~~ACCESSIBLE ELECTRONICALLY TO ALL MUNICIPALITIES AND THE PUBLIC.~~

18 ~~(E) DATABASE.--THE DATABASE SHALL BE SEARCHABLE BY PROPERTY~~  
19 ~~OWNER AND BY PROPERTY ADDRESS.~~

20 § 6135.4. Dissemination of information by department.

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

26 (b) Requests by municipalities.--

27 (1) A municipality may request a copy of a property  
28 maintenance code SERIOUS violation report on a pending <--  
29 applicant for a municipal permit by submitting a property  
30 maintenance code SERIOUS violation report request form to the <--

1 department or BY requesting the form electronically. <--

2 (2) The department shall disseminate a property  
3 maintenance code SERIOUS violation report relating to a <--  
4 municipal permit applicant to the requesting municipality  
5 within five business days of receipt of a property  
6 maintenance code SERIOUS violation report request from the <--  
7 municipality.

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

12 (c) Requests by Commonwealth AND ATTORNEY GENERAL.-- <--

13 (1) A Commonwealth agency OR THE ATTORNEY GENERAL may <--  
14 request a copy of a property maintenance code SERIOUS <--  
15 violation report on a pending applicant for A PERMIT, <--  
16 licensing or certification by submitting a property  
17 maintenance code SERIOUS violation report request form to the <--  
18 department or BY requesting the form electronically. <--

19 (2) The department shall disseminate a property  
20 maintenance code SERIOUS violation report relating to a State <--  
21 license or certification applicant to a requesting  
22 Commonwealth agency within ~~two weeks~~ 30 DAYS of receipt of a <--  
23 property maintenance code SERIOUS violation report request <--  
24 from the agency.

25 (3) The Commonwealth agency shall notify the applicant  
26 in writing of the reasons for a decision that denies the  
27 PERMIT, licensing or certification requested by the applicant <--  
28 if the decision is based in whole or in part on information  
29 contained in the registry.

30 (d) Hearing. If requested by an applicant, a hearing shall <--

1 ~~be scheduled by the municipality or Commonwealth agency on~~  
2 ~~appeal of a decision made as a result of municipal property~~  
3 ~~maintenance code violation convictions under subsection (b) (3)~~  
4 ~~or (c) (3). If the applicant can show cause why the municipal~~  
5 ~~property maintenance code violation should not be considered,~~  
6 ~~the municipal or Commonwealth agency shall reevaluate a request~~  
7 ~~by the applicant for a municipal permit, State license or~~  
8 ~~certification, as applicable.~~

9 (D) HEARING REQUESTED BY APPLICANT.-- <--

10 (1) THE DEPARTMENT SHALL HOLD A HEARING REGARDING WHY  
11 THE PROPERTY OWNER IS LISTED ON THE REGISTRY, AS APPLICABLE.  
12 IF THE APPLICANT CAN PRODUCE A CERTIFICATE OR LETTER OF CODE  
13 COMPLIANCE FROM THE MUNICIPALITY, THE DEPARTMENT SHALL UPDATE  
14 THE OFFICIAL RECORD WITHIN 48 HOURS TO REFLECT THE NEW  
15 INFORMATION.

16 (2) THE MUNICIPALITY OR COMMONWEALTH AGENCY SHALL HOLD A  
17 HEARING REGARDING ADMINISTRATIVE APPEALS RELATED TO PERMIT  
18 DENIALS.

19 (e) Record of dissemination.--The department shall maintain  
20 a listing of Commonwealth agencies and all municipalities <--  
21 AGENCIES, MUNICIPALITIES AND OTHER ENTITIES that have requested <--  
22 information on a particular real property owner and the date on  
23 which the information was disseminated. THE ATTORNEY GENERAL <--  
24 SHALL BE EXEMPT FROM THIS LISTING IN ORDER TO PROTECT THE  
25 CONFIDENTIALITY OF INVESTIGATIONS. This listing shall be  
26 maintained separate from the registry.

27 (f) Fee.--The department may not assess a fee for the  
28 dissemination of property maintenance code violation  
29 information.

30 § 6135.5. Expungement. <--

1 ~~A municipality that files a report with the department shall~~  
2 ~~subsequently notify the department when the real property is~~  
3 ~~brought into code compliance. Upon notification by the~~  
4 ~~municipality, the department shall include the information as~~  
5 ~~part of the official record for the specific property and owner~~  
6 ~~of the real property.~~

7 ~~§ 6135.6. Administrative requirements.~~

8 ~~(a) Regulations. The department shall establish procedures~~  
9 ~~for the completeness and accuracy of information in the registry~~  
10 ~~and shall promulgate the regulations necessary to carry out the~~  
11 ~~department's duty of maintaining the registry.~~

12 ~~§ 6135.5. CHANGING STATUS OF PROPERTY ON REGISTRY.~~ <--

13 ~~A MUNICIPALITY THAT FILES A REPORT WITH THE DEPARTMENT SHALL~~  
14 ~~SUBSEQUENTLY SUPPLY THE PROPERTY OWNER WITH A CERTIFICATE OF~~  
15 ~~COMPLIANCE ONCE THE REAL PROPERTY IS DECLARED TO BE BROUGHT BACK~~  
16 ~~INTO CODE COMPLIANCE. THE PROPERTY OWNER SHALL FORWARD A COPY OF~~  
17 ~~THE CERTIFICATE OF COMPLIANCE TO THE DEPARTMENT IF THE PROPERTY~~  
18 ~~OWNER WISHES TO HAVE THE PROPERTY'S STATUS CHANGED TO "CURED" ON~~  
19 ~~THE REGISTRY. THE DEPARTMENT SHALL INCLUDE THE INFORMATION AS~~  
20 ~~PART OF THE OFFICIAL RECORD FOR THE SPECIFIC PROPERTY AND OWNER~~  
21 ~~OF THE REAL PROPERTY.~~

22 ~~§ 6135.6. ADMINISTRATIVE REQUIREMENTS.~~

23 ~~(A) PROCEDURES.--THE DEPARTMENT SHALL ISSUE GUIDELINES TO~~  
24 ~~EFFECTUATE THE PURPOSES OF THIS SUBCHAPTER, WHICH SHALL INCLUDE~~  
25 ~~PROCEDURES TO ENSURE THE COMPLETENESS AND ACCURACY OF~~  
26 ~~INFORMATION IN THE REGISTRY. THE DEPARTMENT MAY CONTRACT WITH A~~  
27 ~~THIRD-PARTY ENTITY TO ASSIST IN CARRYING OUT THE DEPARTMENT'S~~  
28 ~~DUTIES UNDER THIS SUBCHAPTER.~~

29 ~~(b) Forms.--The department shall develop property~~  
30 ~~maintenance code SERIOUS violation report forms and property~~ <--

1 maintenance code SERIOUS violation report request forms, as well <--  
2 as procedures to obtain the information electronically.

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

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

9 (2) All personnel authorized to access registry  
10 information are selected, supervised and trained accordingly.  
11 § 6135.7. Audit.

12 (a) Duty of Auditor General.--The Auditor General shall MAY <--  
13 conduct annual performance audits of registry operations for the  
14 first three years of the registry's existence and then every  
15 five years thereafter.

16 (b) Access to records.--The department shall provide  
17 auditors with access to all records, reports and listings  
18 required to conduct an audit of property maintenance code  
19 SERIOUS violations record information. Persons that have <--  
20 supervision of or are authorized to receive registry information  
21 shall cooperate with auditors and provide requested information.

22 (c) Contents of audit.--The audit shall report in writing  
23 deficiencies and recommendations for correcting the  
24 deficiencies. The department shall respond to the audit  
25 recommendations within a reasonable period of time. unless the <--  
26 audit report is appealed to the Auditor General and the appeal  
27 is upheld.

28 ~~(d) Modification of recommendations. Upon appeal of the~~  
29 ~~audit recommendations by the department, the Auditor General may~~  
30 ~~modify corrective measures recommended by auditors.~~

1 § 6135.8. Imposition of ~~surchage~~ REGISTRY PENALTY. <--

2 A property owner that is in SERIOUS violation of a municipal <--

3 property maintenance code for more than 90 days without an <--

4 attempt by the property owner to remediate the violation shall

5 be subject to a surcharge in the amount of \$500 for each

6 inspection by a local codes official that reveals one or more

7 municipal property maintenance code violations. The following

8 apply to the surcharge: ONE YEAR THAT HAS BEEN PLACED ON THE <--

9 PROPERTY REGISTRY BY A MUNICIPALITY MAY BE SUBJECT TO A REGISTRY

10 PENALTY IN THE AMOUNT OF \$1,000 FOR EACH SERIOUS VIOLATION. THE

11 FOLLOWING APPLY TO THE PENALTY:

12 (1) The ~~surchage~~ PENALTY shall be in addition to ANY <--

13 other applicable fees or charges lawfully collected by the

14 municipality and court.

15 (2) The municipality shall collect the ~~surchage and~~ <--

16 ~~remit all~~ PENALTY AND DEDUCT ADMINISTRATIVE COSTS BEFORE <--

17 REMITTING THE REMAINING money to the department on a

18 quarterly basis.

19 ~~(3) Money generated by the surcharge shall be used to~~ <--

20 ~~finance the Statewide implementation of the registry and to~~

21 ~~conduct training of the judiciary in accordance with 42~~

22 ~~Pa.C.S. § 1907 (relating to deteriorated real property~~

23 ~~education and training program for judges).~~

24 (3) THE PENALTY MAY TAKE THE FORM OF A LIEN ON THE REAL <--

25 PROPERTY, AND THE MUNICIPALITY MAY FILE THE LIEN WITH THE

26 COUNTY PROTHONOTARY OR EQUIVALENT OFFICE.

27 (4) MONEY GENERATED BY THE PENALTY SHALL BE DEPOSITED

28 INTO THE SPECIAL RESTRICTED ACCOUNT ESTABLISHED UNDER SECTION

29 6135.9 (RELATING TO APPROPRIATION).

30 (5) THE DEPARTMENT MAY DISTRIBUTE EXCESS MONEY TO

1 MUNICIPALITIES PARTICIPATING IN THE REGISTRY.

2 § 6135.9. APPROPRIATION.

3 (A) ESTABLISHMENT OF ACCOUNT.--SUBJECT TO A FUTURE  
4 APPROPRIATION BY THE GENERAL ASSEMBLY, A ONE-TIME AMOUNT OF  
5 \$1,000,000 IS TRANSFERRED FROM THE GENERAL FUND INTO A SPECIAL  
6 RESTRICTED ACCOUNT WITHIN THE STATE TREASURY FOR THE PURPOSES OF  
7 CREATING AND MAINTAINING THE REGISTRY, TO BE KNOWN AS THE  
8 PROPERTY MAINTENANCE CODE SERIOUS VIOLATIONS REGISTRY ACCOUNT.

9 (B) DISTRIBUTION.--THE DEPARTMENT MAY DISTRIBUTE MONEY IN  
10 EXCESS OF THE \$1,000,000 AMOUNT DESCRIBED IN SUBSECTION (A) TO  
11 MUNICIPALITIES PARTICIPATING IN THE REGISTRY.

12 (C) PURPOSES.--MONEY IN THE PROPERTY MAINTENANCE CODE  
13 SERIOUS VIOLATIONS REGISTRY ACCOUNT MAY BE USED FOR THE  
14 FOLLOWING PURPOSES:

15 (1) BY THE DEPARTMENT TO REIMBURSE THE DEPARTMENT FOR  
16 ITS ADMINISTRATIVE COSTS IN CARRYING OUT ITS RESPONSIBILITIES  
17 UNDER THIS SUBCHAPTER.

18 (2) BY THE UNIFIED JUDICIAL SYSTEM TO CONDUCT TRAINING  
19 OF THE JUDICIARY IN ACCORDANCE WITH 42 PA.C.S. § 1907  
20 (RELATING TO DETERIORATED REAL PROPERTY EDUCATION AND  
21 TRAINING PROGRAMS FOR JUDGES).

22 (3) BY THE DEPARTMENT OF THE AUDITOR GENERAL TO  
23 REIMBURSE THAT DEPARTMENT FOR THE COSTS OF CONDUCTING THE  
24 AUDITS AUTHORIZED BY SECTION 6135.7 (RELATING TO AUDIT).

25 ~~§ 6135.9~~ 6135.10. Duty of Attorney General.

<--

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

1 order to bring the property up to municipal code if:

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

3 (2) The property owner is charged under ~~18 Pa.C.S.~~ <--

4 ~~(relating to crimes and offenses)~~. 53 PA.C.S. § 6115 <--

5 (RELATING TO FAILURE TO COMPLY WITH A CODE REQUIREMENT).

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.