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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 434 Session of  
2017

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INTRODUCED BY ARGALL, BREWSTER, WAGNER, RAFFERTY, MENSCH,  
YUDICHAK, TARTAGLIONE, BLAKE, HAYWOOD, BARTOLOTTA AND  
KILLION, MARCH 2, 2017

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REFERRED TO JUDICIARY, MARCH 2, 2017

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in limitation of time,  
3 providing for ten year limitation, for mesne profits and for  
4 reimbursement and further providing for twenty-one year  
5 limitation.

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

8 Section 1. Title 42 of the Pennsylvania Consolidated  
9 Statutes is amended by adding sections to read:

10 § 5527.1. Ten year limitation.

11 (a) Adverse possession.--Title to real property may be  
12 acquired after no less than 10 years of actual, continuous,  
13 exclusive, visible, notorious, distinct and hostile possession  
14 of the real property.

15 (b) Contiguous lots.--

16 (1) Where an additional lot abuts and is contiguous to  
17 real property and has been regularly used as part of and  
18 incident to the real property, a possessor who seeks to  
19 acquire title to real property under this section may also

1 include the contiguous lot in the action to quiet title under  
2 subsection (c).

3 (2) In order to acquire title to the contiguous lot, the  
4 possessor must show that:

5 (i) The area of the contiguous lot as described by  
6 the metes and bounds does not exceed a total area of  
7 one-half acre when combined with the real property.

8 (ii) The possessor has made actual, continuous,  
9 exclusive, visible, notorious, distinct and hostile  
10 possession of the contiguous lot for a period of not less  
11 than 10 years.

12 (c) Quiet title action required.--

13 (1) A possessor who seeks to acquire title to real  
14 property under this section must, after meeting the  
15 requirements of subsections (a) and (b), commence a quiet  
16 title action and provide notice as required in this section.

17 (2) Notice of the action shall include information  
18 relating to the respondent's opportunity to cure as specified  
19 in subsection (d) and shall be provided to the record owners,  
20 their heirs, successors and assigns.

21 (3) Notice shall be provided in a form approved by rule  
22 of the Pennsylvania Supreme Court, which form shall include  
23 the metes and bounds description, deed reference, street  
24 address, postal zip code, uniform parcel identifier or tax  
25 parcel number and the notices of the one-year period to cure  
26 as stated in subsection (d).

27 (d) One-year notice.--

28 (1) The record owners or their heirs, successors and  
29 assigns shall have one year in which to respond by commencing  
30 an action in ejectment against the possessor, which action

1 disputes the claim of adverse possession.

2 (2) (i) If an action in ejectment is so filed and  
3 served in accordance with the requirements of this  
4 section and the verdict and judgment in the ejectment  
5 action are rendered in favor of the record owners, or  
6 their heirs, successors and assigns, then both the 10-  
7 year statute of limitations set forth in this section and  
8 the 21-year statute of limitations set forth in section  
9 5530 (relating to twenty-one year limitation) are tolled,  
10 and the court shall render a judgment in favor of the  
11 record owners, or their heirs, successors and assigns,  
12 disposing of the quiet title action.

13 (ii) The period for running the statute of  
14 limitations for any subsequent claim seeking title by  
15 adverse possession under this section or section 5530  
16 shall commence at a date not earlier than the date of the  
17 judgment granting the relief requested in the ejectment  
18 action.

19 (3) If no action in ejectment is so filed and served  
20 within the one-year period, then judgment may be entered by  
21 the court granting title to the real property by adverse  
22 possession under this section and the Pennsylvania Rules of  
23 Civil Procedure.

24 (4) A judgment granting title by adverse possession  
25 under this section shall not, in and of itself:

26 (i) discharge, terminate or give rise to a  
27 presumption of satisfaction or release of any interest in  
28 the property that runs with title to the property,  
29 including, but not limited to, easements, profits,  
30 covenants, mortgages, liens, judgments and leases;

1           (ii) otherwise extend or limit the period of time in  
2 which claims relating to the property may be asserted  
3 against a possessor granted title by a judgment of  
4 adverse possession; or

5           (iii) supersede any applicable provision of law,  
6 including, but not limited to, the act of July 31, 1968  
7 (P.L.805, No.247), known as the Pennsylvania  
8 Municipalities Planning Code, or a zoning code of a city  
9 of the first class or city of the second class as the  
10 case may be, and any subdivision or land use ordinance,  
11 to the extent applicable, then in effect in the  
12 jurisdiction where the subject property is located.

13 Nothing contained in this section shall limit the  
14 otherwise applicable jurisdiction of any zoning officer,  
15 zoning hearing board, zoning board of adjustment or  
16 governing body with respect to the subject property.

17 (e) Limitations.--This section shall not apply to real  
18 property that is part of a common interest ownership community  
19 established under 68 Pa.C.S. Pt. II Subpts. B (relating to  
20 condominiums), C (relating to cooperatives) and D (relating to  
21 planned communities).

22 (f) Nonapplicability.--This section shall not apply to real  
23 property that is:

24           (1) part of a common interest ownership community  
25 established under 68 Pa.C.S. Pt. II Subpt. B, C or D; or

26           (2) owned by the United States, the Commonwealth, a  
27 local government, or any agency, authority or other unit of  
28 the United States, the Commonwealth or local government,  
29 including, but not limited to, a redevelopment authority,  
30 municipal authority and school district or joint agency or

1 authority of the United States, the Commonwealth or local  
2 government unit.

3 (g) 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 (h) 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 "Real property." Real estate not exceeding one-half acre in  
14 area that is:

15 (1) Improved by a single-family dwelling that is and has  
16 been occupied by a possessor seeking title under this section  
17 for the full 10 years.

18 (2) Identified as a separate lot in a recorded  
19 conveyance, recorded subdivision plan or recorded official  
20 map or plan of a municipality.

21 "Single-family dwelling." A residence designed for occupancy  
22 by one household, whether detached from or attached to other  
23 structures.

24 § 5527.2. Mesne profits.

25 (a) General rule.--Record owners, their heirs, successors  
26 and assigns shall have the right to seek any mesne profits in an  
27 action in ejectment filed in response to the notice served under  
28 section 5527.1 (relating to ten year limitation) or waive the  
29 right to such recovery.

30 (b) Limitation on recovery.--Recovery shall be limited to

1 the mesne profits applicable to the six-year period ending with  
2 the commencement of the action in ejectment under section  
3 5527(b) (relating to six year limitation).

4 § 5527.3. Reimbursement.

5 The defendant in the ejectment action under section 5527.1  
6 (relating to ten year limitation) shall have the right to  
7 recover such costs for maintenance, improvements, repairs,  
8 renovations, taxes or other such expenses to benefit the real  
9 property as the defendant can prove by a preponderance of the  
10 evidence that were or should have been the responsibility of the  
11 record owners, their heirs, successors and assigns.

12 Section 2. Section 5530(a)(1) of Title 42 is amended to  
13 read:

14 § 5530. Twenty-one year limitation.

15 (a) General rule.--The following actions and proceedings  
16 must be commenced within 21 years:

17 (1) [An] Except as provided in section 5527.1 (relating  
18 to ten year limitation), an action for the possession of real  
19 property.

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21 Section 3. This act shall take effect in one year.