

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 482 Session of 2015

INTRODUCED BY BREWSTER, ARGALL, TEPLITZ, WILLIAMS, MCGARRIGLE, STEFANO, GORDNER, SCHWANK, WARD, VULAKOVICH, COSTA, WOZNIAK, RAFFERTY, FARNESE AND YAW, FEBRUARY 13, 2015

SENATOR WAGNER, URBAN AFFAIRS AND HOUSING, AS AMENDED, APRIL 15, 2015

AN ACT

1 Amending the act of July 7, 1947 (P.L.1368, No.542), entitled,
2 as amended, "An act amending, revising and consolidating the
3 laws relating to delinquent county, city, except of the first
4 and second class and second class A, borough, town, township,
5 school district, except of the first class and school
6 districts within cities of the second class A, and
7 institution district taxes, providing when, how and upon what
8 property, and to what extent liens shall be allowed for such
9 taxes, the return and entering of claims therefor; the
10 collection and adjudication of such claims, sales of real
11 property, including seated and unseated lands, subject to the
12 lien of such tax claims; the disposition of the proceeds
13 thereof, including State taxes and municipal claims recovered
14 and the redemption of property; providing for the discharge
15 and divestiture by certain tax sales of all estates in
16 property and of mortgages and liens on such property, and the
17 proceedings therefor; creating a Tax Claim Bureau in each
18 county, except counties of the first and second class, to act
19 as agent for taxing districts; defining its powers and
20 duties, including sales of property, the management of
21 property taken in sequestration, and the management, sale and
22 disposition of property heretofore sold to the county
23 commissioners, taxing districts and trustees at tax sales;
24 providing a method for the service of process and notices;
25 imposing duties on taxing districts and their officers and on
26 tax collectors, and certain expenses on counties and for
27 their reimbursement by taxing districts; and repealing
28 existing laws," FURTHER PROVIDING FOR THE TITLE OF THE ACT; <--
29 AND, in sale of property, providing for Optional County
30 Demolition and Rehabilitation Fund.

31 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. The act of July 7, 1947 (P.L.1368, No.542), known <--~~
3 ~~as the Real Estate Tax Sale Law, is amended by adding a section~~
4 ~~to read:~~

5 SECTION 1. THE TITLE OF THE ACT OF JULY 7, 1947 (P.L.1368, <--
6 NO.542), KNOWN AS THE REAL ESTATE TAX SALE LAW, AMENDED
7 SEPTEMBER 26, 1981 (P.L.274, NO.92), IS AMENDED TO READ:

8 AN ACT

9 AMENDING, REVISING AND CONSOLIDATING THE LAWS RELATING TO

10 DELINQUENT COUNTY, CITY, EXCEPT OF THE FIRST AND SECOND CLASS
11 AND SECOND CLASS A, BOROUGH, TOWN, TOWNSHIP, SCHOOL DISTRICT,
12 EXCEPT OF THE FIRST CLASS AND SCHOOL DISTRICTS WITHIN CITIES
13 OF THE SECOND CLASS A, AND INSTITUTION DISTRICT TAXES,
14 PROVIDING WHEN, HOW AND UPON WHAT PROPERTY, AND TO WHAT
15 EXTENT LIENS SHALL BE ALLOWED FOR SUCH TAXES, THE RETURN AND
16 ENTERING OF CLAIMS THEREFOR; THE COLLECTION AND ADJUDICATION
17 OF SUCH CLAIMS, SALES OF REAL PROPERTY, INCLUDING SEATED AND
18 UNSEATED LANDS, SUBJECT TO THE LIEN OF SUCH TAX CLAIMS; THE
19 DISPOSITION OF THE PROCEEDS THEREOF, INCLUDING STATE TAXES
20 AND MUNICIPAL CLAIMS RECOVERED AND THE REDEMPTION OF
21 PROPERTY; PROVIDING FOR THE DISCHARGE AND DIVESTITURE BY
22 CERTAIN TAX SALES OF ALL ESTATES IN PROPERTY AND OF MORTGAGES
23 AND LIENS ON SUCH PROPERTY, AND THE PROCEEDINGS THEREFOR;
24 CREATING A TAX CLAIM BUREAU IN EACH COUNTY, EXCEPT COUNTIES
25 OF THE FIRST AND SECOND CLASS, TO ACT AS AGENT FOR TAXING
26 DISTRICTS; DEFINING ITS POWERS AND DUTIES, INCLUDING SALES OF
27 PROPERTY, THE MANAGEMENT OF PROPERTY TAKEN IN SEQUESTRATION,
28 AND THE MANAGEMENT, SALE AND DISPOSITION OF PROPERTY
29 HERETOFORE SOLD TO THE COUNTY COMMISSIONERS, TAXING DISTRICTS
30 AND TRUSTEES AT TAX SALES; PROVIDING A METHOD FOR THE SERVICE

1 OF PROCESS AND NOTICES; IMPOSING DUTIES ON TAXING DISTRICTS
2 AND THEIR OFFICERS AND ON TAX COLLECTORS, AND CERTAIN
3 EXPENSES ON COUNTIES AND FOR THEIR REIMBURSEMENT BY TAXING
4 DISTRICTS; PROVIDING FOR AN OPTIONAL COUNTY DEMOLITION AND
5 REHABILITATION FUND IN EACH COUNTY; AND REPEALING EXISTING
6 LAWS.

7 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

8 Section 631. Optional County Demolition and Rehabilitation

9 Fund.--(a) ~~Each~~ A county of the first, second, second class A, <--
10 third, fourth, fifth, sixth, seventh and eighth class and home
11 rule charter county of these classes that imposes the fee
12 authorized under subsection (b) shall, BY ORDINANCE, establish a <--
13 county demolition and rehabilitation fund.

14 (b) The governing body of the A county may, by ~~resolution or <--~~
15 ~~ordinance, authorize the tax claim bureau of that county to~~
16 ~~charge and collect a fee not to exceed ten per centum (10%) for~~
17 ~~each property sold at tax sale. The fee raised shall be~~
18 ~~deposited into the Optional County Demolition and Rehabilitation~~
19 ~~Fund to be used exclusively for the demolition or~~
20 ~~rehabilitation, or both, of dilapidated buildings on blighted~~
21 ~~property situate in the county. ORDINANCE, IMPOSE A FEE NOT TO <--~~
22 EXCEED TEN PER CENTUM (10%) OF THE PURCHASE PRICE OF A PROPERTY
23 SOLD FOR DELINQUENT TAXES IN ACCORDANCE WITH THIS ACT OR ANY
24 OTHER LAW. THE BUREAU, TAXING DISTRICT OR OTHER GOVERNMENT
25 ENTITY CONDUCTING THE SALE OF THE PROPERTY SHALL DETERMINE THE
26 AMOUNT OF THE FEE BASED ON THE FINAL PURCHASE PRICE AND COLLECT
27 IT AT THE TIME OF SALE FROM THE BUYER AS A CONDITION OF
28 CONVEYING TITLE TO THE PROPERTY. THE FEE RAISED SHALL BE
29 DEPOSITED INTO A FUND ESTABLISHED UNDER SUBSECTION (A).

30 (C) AN ORDINANCE ESTABLISHING A FUND UNDER SUBSECTION (A)

1 SHALL INCLUDE ALL OF THE FOLLOWING:

2 (1) THE METHOD OF CUSTODY, DIVESTITURE, DISBURSEMENT AND
3 APPLICATION OF MONEYS DEPOSITED INTO THE FUND CONSISTENT WITH
4 THE LAWS OF THIS COMMONWEALTH AND GENERALLY ACCEPTABLE
5 ACCOUNTING PRINCIPLES.

6 (2) THE MANNER OF NOTIFYING THE BUREAU, TAXING DISTRICT OR
7 ANY OTHER GOVERNMENT ENTITY CONDUCTING THE SALE OF A PROPERTY
8 FOR DELINQUENT TAXES THAT A FUND UNDER SUBSECTION (A) HAS BEEN
9 ESTABLISHED AND THAT THE FEE IMPOSED UNDER SUBSECTION (B) SHALL
10 BE COLLECTED AND DEPOSITED IN ACCORDANCE WITH THIS SECTION.

11 (3) THE FEE IMPOSED UNDER SUBSECTION (B) SHALL APPLY TO THE
12 SALE OF A PROPERTY FOR DELINQUENT TAXES CONDUCTED IN THE
13 CALENDAR YEAR BEGINNING NOT LESS THAN NINETY (90) DAYS AFTER THE
14 EFFECTIVE DATE OF THE ORDINANCE.

15 (4) ANY OTHER TERMS AND CONDITIONS THE COUNTY DEEMS
16 REASONABLE AND NECESSARY FOR OPERATION OF THE FUND ESTABLISHED
17 UNDER SUBSECTION (A).

18 (D) A FUND ESTABLISHED UNDER SUBSECTION (A) SHALL BE USED
19 EXCLUSIVELY BY THE COUNTY OR, UPON APPROVAL OF THE COUNTY
20 COMMISSIONERS OR OTHER GOVERNING BODY, BY ANY TAXING DISTRICT,
21 REDEVELOPMENT AUTHORITY, LAND BANK OR OTHER GOVERNMENT ENTITY
22 FOR THE DEMOLITION OR REHABILITATION OF BLIGHTED PROPERTY
23 LOCATED IN THE COUNTY AND OWNED BY A GOVERNMENT ENTITY.

24 (E) THIS SECTION SHALL NOT APPLY TO A PROPERTY SOLD FOR
25 DELINQUENT REAL PROPERTY TAXES TO A NONPROFIT ENTITY, LAND BANK
26 OR GOVERNMENT ENTITY.

27 Section-2 3. This act shall take effect in 60 days.

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