

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 645 Session of 2023

INTRODUCED BY HUGHES AND SAVAL, APRIL 20, 2023

AS AMENDED ON THIRD CONSIDERATION, JUNE 26, 2024

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in general provisions, providing for
3 ten-year limitation for acquiring title to vacant land for
4 gardens in cities of the first class.

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

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

9 § 1143. Ten-year limitation for acquiring title to vacant land
10 for gardens in cities of the first class.

11 (a) Vacant land.--Notwithstanding 42 Pa.C.S. § 5527.1
12 (relating to ten year limitation), the following shall apply:

13 (1) In cities of the first class, a possessor may
14 acquire title to privately owned vacant land under this
15 section in an action to quiet title under subsection (b).

16 (2) In order to acquire title to vacant land under
17 paragraph (1), the possessor must show that:

18 (I) THE POSSESSOR IS A RESIDENT OF A CITY OF THE
19 FIRST CLASS.

<--

1 ~~(i)~~ (II) The possessor has made actual, continuous, <--
2 exclusive, visible, notorious, distinct and hostile
3 possession of the vacant land for a period of not less
4 than 10 years.

5 ~~(ii)~~ (III) At the time of filing the quiet title <--
6 action under subsection (b), the possessor currently
7 maintains the vacant land as a garden or community
8 garden.

9 ~~(iii)~~ (IV) At the time of filing the quiet title <--
10 action under subsection (b), the possessor has maintained
11 the vacant land as a garden or community garden for at
12 least five years.

13 ~~(iv)~~ (V) The petitioner has a demonstrated capacity <--
14 to maintain the space by providing a simple plan for
15 managing the work of tending garden beds, removing weeds
16 within the garden and trash and snow removal outside the
17 garden along street frontage AS WELL AS A SIMPLE PLAN FOR <--
18 PAYING ALL REQUIRED TAXES, UNLESS THE PETITIONER IS
19 OTHERWISE EXEMPT.

20 ~~(v)~~ The area of the vacant land as described by the <--
21 metes and bounds does not exceed a total area of one half
22 acre.

23 ~~(vi)~~ The property shall remain a garden or a
24 community garden for a period of not less than five years
25 from the date of acquisition. The court shall impose a
26 deed restriction on the property at the time of
27 acquisition. The deed restriction shall be removable upon
28 petition to the court and a showing that the restriction
29 will impose a financial or economic hardship on the
30 possessor or the possessor's heirs.

(VI) THE FOLLOWING:

(A) THE COURT SHALL IMPOSE A DEED RESTRICTION ON THE PROPERTY AT THE TIME OF ACQUISITION THAT THE PROPERTY SHALL REMAIN A GARDEN OR A COMMUNITY GARDEN FOR A PERIOD OF NOT LESS THAN SEVEN YEARS FROM THE DATE OF ACQUISITION. THE DEED RESTRICTION, AT A MINIMUM, SHALL INCLUDE A REQUIREMENT THAT THE PETITIONER SHALL:

(I) COMPLY WITH LOCAL REGULATIONS RELATING TO:

(A) COMMUNITY GARDENS;

(B) MANAGED OPEN SPACES;

(C) HEALTH CODES; AND

(D) PERMANENT STRUCTURES.

(II) ONLY USE THE VACANT LAND FOR THE PERMITTED USE.

(B) THE DEED RESTRICTION SHALL BE REMOVABLE UPON PETITION TO THE COURT AND A SHOWING THAT THE RESTRICTION WILL IMPOSE A FINANCIAL OR ECONOMIC HARDSHIP ON THE CURRENT TITLE HOLDER.

(b) Quiet title action required.--A possessor who seeks to acquire title to real property under this section must, after meeting the requirements under subsection (a), commence a quiet title action and provide notice as required under 42 Pa.C.S. § 5527.1(c)(2) and (3) and (d).

(c) Nonexclusive remedy.--The relief available under this section is intended to be cumulative and not exclusive of any other rights or remedies that may be available under law or equity, including, but not limited to, the determination of title to a decedent's interest in real estate under 20 Pa.C.S. §

1 3546 (relating to determination of title to decedent's interest
2 in real estate).

3 (d) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Action." As defined in 42 Pa.C.S. § 102 (relating to
7 definitions).

8 "Court." As defined in 42 Pa.C.S. § 102.

9 "Garden" or "community garden." Real property that has no
10 permanent structure that is managed and maintained by an
11 individual, a group of individuals or a nonprofit organization,
12 and that consists of open spaces covered with natural vegetation
13 such as grass, plants or trees or planted vegetation such as
14 vegetables, fruits or flowers for personal or group consumption,
15 for donation or for sale that is incidental in nature.

16 "Permanent structure." The term does not include fences,
17 arbors, sunshades, gazebos, pergolas, trellises, stages, raised
18 beds, composting toilets, storage structures, sheds,
19 greenhouses, hoop houses, animal containments or anything that
20 could be removed without obtaining a municipal demolition
21 permit.

22 "Real property." As defined in 42 Pa.C.S. § 5527.1(h). <--

23 "PERMITTED USE." THE TERM INCLUDES GROWING, HARVESTING AND <--
24 STORING FLOWERS, FRUITS, VEGETABLES, SMALL ORNAMENTAL PLANTS AND
25 COVER CROPS FOR PERSONAL OR GROUP CONSUMPTION, FOR DONATION OR
26 FOR SALE. THE TERM SHALL NOT INCLUDE FLOWERS, FRUITS,
27 VEGETABLES, SMALL ORNAMENTAL PLANTS AND COVER CROPS THAT ARE
28 REGULATED OR PROHIBITED BY FEDERAL LAW.

29 "PRIVATELY OWNED VACANT LAND." VACANT LAND THAT IS PRIVATELY
30 OWNED. THE TERM DOES NOT INCLUDE VACANT LAND OWNED BY ANY OF THE

1 FOLLOWING:

2 (1) THE FEDERAL GOVERNMENT.

3 (2) THE COMMONWEALTH.

4 (3) A CITY OF THE FIRST CLASS.

5 (4) A MUNICIPAL ORGANIZATION.

6 (5) A LAND BANK.

7 (6) A REDEVELOPMENT AUTHORITY.

8 (7) A PUBLIC BODY.

9 (8) A BODY CORPORATE AND POLITIC.

10 (9) A NONPROFIT CORPORATION TO WHICH THE FOLLOWING

11 APPLY:

12 (I) THE NONPROFIT CORPORATION IS ORGANIZED UNDER THE
13 LAWS OF THIS COMMONWEALTH.

14 (II) THE DIRECTORS OF THE NONPROFIT CORPORATION
15 INCLUDE THE MAYOR AND OTHER OFFICIALS OF A CITY OF THE
16 FIRST CLASS.

17 (III) UPON THE DISSOLUTION OF THE NONPROFIT
18 CORPORATION, FULL LEGAL TITLE TO ALL LAND ACQUIRED BY THE
19 NONPROFIT CORPORATION FOR THE PURPOSE OR AS A RESULT OF
20 THE DEVELOPMENT, IMPROVEMENT AND MAINTENANCE OF THE LAND
21 SHALL VEST IN THE CITY OF THE FIRST CLASS.

22 "Vacant land." Real property that has no permanent
23 structures. A permanent structure does not include fences, <--
24 arbors, sunshades, gazebos, pergolas, trellises, stages, raised
25 beds, composting toilets, storage structures, sheds,
26 greenhouses, hoop houses, animal containments or anything that
27 could be removed without obtaining a municipal demolition
28 permit. AND AS DESCRIBED BY THE METES AND BOUNDS DOES NOT EXCEED <--
29 A TOTAL AREA OF ONE-HALF ACRE.

30 Section 2. This act shall take effect in 60 days.