

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 940 Session of 2019

INTRODUCED BY DiSANTO, ARGALL, BROWNE, MENSCH, YUDICHAK, BREWSTER, MASTRIANO, K. WARD AND J. WARD, NOVEMBER 18, 2019

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 17, 2020

AN ACT

1 ~~Amending the act of December 20, 2000 (P.L.724, No.99), entitled <--~~
2 ~~"An act requiring purchasers of real estate with buildings~~
3 ~~thereon to bring the buildings into compliance with municipal~~
4 ~~codes; providing for nuisance abatement; and imposing~~
5 ~~penalties," further providing for definitions and for~~
6 ~~compliance requirement. PROVIDING FOR FILING AND RECORDING BY <--~~
7 ~~MUNICIPALITIES OF CONDEMNATION ORDERS AND FOR STATEMENTS OF~~
8 ~~VACATED CONDEMNATION ORDERS.~~

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

11 ~~Section 1. Section 2 of the act of December 20, 2000 <--~~
12 ~~(P.L.724, No.99), known as the Municipal Code and Ordinance~~
13 ~~Compliance Act, is amended by adding a definition to read:~~

14 ~~Section 2. Definitions.~~

15 ~~The following words and phrases when used in this act shall~~
16 ~~have the meanings given to them in this section unless the~~
17 ~~context clearly indicates otherwise:~~

18 ~~"Condemnation order." A declaration by an authorized~~
19 ~~official of a municipality that a dwelling, building, structure~~
20 ~~or premises is unfit for human habitation or other use or~~

1 ~~conditions exist that are dangerous or injurious to the health-~~
2 ~~or safety of the occupants of the dwelling, building, structure~~
3 ~~or premises, the occupants of neighboring dwellings or other~~
4 ~~residents of the municipality and which declaration includes a~~
5 ~~demand for the owner to take corrective action to the dwelling,~~
6 ~~building, structure or premises.~~

7 * * *

8 Section 2. Section 3 of the act is amended by adding a
9 subsection to read:

10 Section 3. Compliance requirement.

11 * * *

12 ~~(e.1) Recording of condemnation orders.~~

13 ~~(1) A municipality that issues a condemnation order on a~~
14 ~~property may record the condemnation order with the office of~~
15 ~~recorder of deeds of the county in which the property is~~
16 ~~located. If recorded, the condemnation order shall be~~
17 ~~constructive notice to all purchasers and other persons who~~
18 ~~are responsible for the property.~~

19 ~~(2) The municipality may recover the cost of recording~~
20 ~~the condemnation order from the tax sale proceeds or directly~~
21 ~~from the purchaser.~~

22 ~~(3) Notwithstanding section 612(a) of the act of July 7,~~
23 ~~1947 (P.L.1368, No.542), known as the Real Estate Tax Sale~~
24 ~~Law, a properly recorded condemnation order shall be a lien~~
25 ~~on the property and shall not be affected by an upset sale, a~~
26 ~~judicial sale or a repository sale of the property.~~

27 ~~(4) After a condemnation order has been recorded under~~
28 ~~this section, if the municipality vacates the condemnation~~
29 ~~order, the municipal code officer shall, within 15 days of~~
30 ~~the condemnation order being vacated, record with the office~~

1 ~~of recorder of deeds a statement indicating that the~~
2 ~~condemnation order has been vacated.~~

3 * * *

4 ~~Section 3. This act shall take effect in 60 days.~~

5 SECTION 1. SHORT TITLE.

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6 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE MUNICIPALITY
7 CONDEMNATION ORDER ACT.

8 SECTION 2. DEFINITIONS.

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
10 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 "CONDEMNATION ORDER." A DECLARATION BY AN AUTHORIZED
13 OFFICIAL OF A MUNICIPALITY THAT A DWELLING, BUILDING, STRUCTURE
14 OR PREMISES IS UNFIT FOR HUMAN HABITATION OR OTHER USE OR
15 CONDITIONS EXIST THAT ARE DANGEROUS OR INJURIOUS TO THE HEALTH
16 OR SAFETY OF THE OCCUPANTS OF THE DWELLING, BUILDING, STRUCTURE
17 OR PREMISES, THE OCCUPANTS OF NEIGHBORING DWELLINGS OR OTHER
18 RESIDENTS OF THE MUNICIPALITY AND WHICH DECLARATION INCLUDES A
19 DEMAND FOR THE OWNER TO TAKE CORRECTIVE ACTION TO THE DWELLING,
20 BUILDING, STRUCTURE OR PREMISES.

21 "MUNICIPALITY." A CITY, BOROUGH, INCORPORATED TOWN,
22 TOWNSHIP, HOME RULE MUNICIPALITY, OPTIONAL PLAN MUNICIPALITY,
23 OPTIONAL CHARTER MUNICIPALITY OR SIMILAR GENERAL PURPOSE UNIT OF
24 GOVERNMENT THAT MAY BE CREATED OR AUTHORIZED BY STATUTE.

25 SECTION 3. FILING AND RECORDING OF CONDEMNATION ORDERS.

26 (A) GENERAL RULE.--A MUNICIPALITY THAT ISSUES A CONDEMNATION
27 ORDER ON A PROPERTY MAY RECORD THE CONDEMNATION ORDER WITH THE
28 OFFICE OF RECORDER OF DEEDS OF THE COUNTY IN WHICH THE PROPERTY
29 IS LOCATED.

30 (B) CONSTRUCTIVE NOTICE.--IF RECORDED, THE CONDEMNATION

1 ORDER SHALL BE CONSTRUCTIVE NOTICE TO ALL PURCHASERS AND OTHER
2 PERSONS WHO ARE RESPONSIBLE FOR THE PROPERTY.

3 SECTION 4. COST OF RECORDING.

4 A MUNICIPALITY MAY RECOVER THE COST OF RECORDING A
5 CONDEMNATION ORDER ON A PROPERTY FROM THE TAX SALE PROCEEDS OR
6 DIRECTLY FROM THE PURCHASER OF THE PROPERTY.

7 SECTION 5. VALIDITY OF CONDEMNATION ORDER.

8 NOTWITHSTANDING SECTION 612(A) OF THE ACT OF JULY 7, 1947
9 (P.L.1368, NO.542), KNOWN AS THE REAL ESTATE TAX SALE LAW, A
10 PROPERLY RECORDED CONDEMNATION ORDER SHALL BE A LIEN ON THE
11 PROPERTY AND SHALL NOT BE AFFECTED BY AN UPSET SALE, A JUDICIAL
12 SALE OR A REPOSITORY SALE OF THE PROPERTY.

13 SECTION 6. STATEMENT OF VACATED CONDEMNATION ORDER.

14 AFTER A CONDEMNATION ORDER ON A PROPERTY HAS BEEN RECORDED
15 UNDER THIS SECTION, IF THE MUNICIPALITY VACATES THE CONDEMNATION
16 ORDER, THE MUNICIPALITY SHALL, WITHIN 15 DAYS OF THE
17 CONDEMNATION ORDER BEING VACATED, RECORD WITH THE OFFICE OF
18 RECORDER OF DEEDS A STATEMENT INDICATING THAT THE CONDEMNATION
19 ORDER HAS BEEN VACATED.

20 SECTION 7. EFFECTIVE DATE.

21 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.