

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1791 Session of 2021

INTRODUCED BY TWARDZIK, SCHLOSSBERG, MERSKI, HILL-EVANS, CIRESI, LEWIS DELROSSO, SCHLEGEL CULVER, R. BROWN, DAY, SMITH, GAYDOS, PENNYCUICK, STURLA, SOLOMON, SCHMITT, MERCURI, BOBACK, INNAMORATO, MALAGARI, C. WILLIAMS, MAJOR, DRISCOLL AND JAMES, AUGUST 16, 2021

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 12, 2022

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in neighborhood blight reclamation and
3 revitalization, further providing for definitions and, <--
4 ESTABLISHING A GRANT PROGRAM FOR MUNICIPALITIES TO ESTABLISH
5 CODE ENFORCEMENT PROGRAMS AND HIRE CODE ENFORCEMENT
6 PERSONNEL, PROVIDING FOR POWERS AND DUTIES OF THE DEPARTMENT
7 OF COMMUNITY AND ECONOMIC DEVELOPMENT, ESTABLISHING THE
8 MUNICIPAL PROPERTY MAINTENANCE CODE ASSISTANCE FUND AND
9 providing for STATE BLIGHT DATA COLLECTION SYSTEM AND FOR <--
10 vacant AND BLIGHTED property registration and annual <--
11 assessment; AND MAKING AN APPROPRIATION. <--

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 6103 of Title 53 of the Pennsylvania
15 Consolidated Statutes is amended by adding a definition to read:

16 § 6103. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 \* \* \*

1 ~~"Vacant." A condition in which a structure that is designed <--~~  
2 ~~for human occupancy:~~  
3 ~~(1) has not been legally occupied for at least 90-~~  
4 ~~consecutive days and has no evidence of utility usage within~~  
5 ~~the past 90 days; or~~  
6 ~~(2) is partially constructed or incomplete without a~~  
7 ~~valid building permit.~~

8 ~~"Vacant AND blighted property." A blighted property that is <--~~  
9 ~~also vacant. <--~~

10 SECTION 2. CHAPTER 61 OF TITLE 53 IS AMENDED BY ADDING <--  
11 SUBCHAPTERS TO READ:

12 SUBCHAPTER B.1

13 MUNICIPAL PROPERTY MAINTENANCE CODE ASSISTANCE

14 SEC.

15 6121. SCOPE OF SUBCHAPTER.

16 6122. LEGISLATIVE INTENT.

17 6123. DEFINITIONS.

18 6124. CODE ENFORCEMENT GRANT PROGRAM.

19 6125. FUND.

20 6126. SURCHARGE.

21 6127. REPORT TO GENERAL ASSEMBLY.

22 6128. GUIDELINES.

23 § 6121. SCOPE OF SUBCHAPTER.

24 THIS SUBCHAPTER RELATES TO MUNICIPAL PROPERTY MAINTENANCE  
25 CODE ASSISTANCE.

26 § 6122. LEGISLATIVE INTENT.

27 THE PURPOSE OF THIS SUBCHAPTER IS TO PROVIDE FUNDING FOR  
28 INDIVIDUAL MUNICIPALITIES, TWO OR MORE MUNICIPALITIES UNDER  
29 SUBCHAPTER A OF CHAPTER 23 (RELATING TO INTERGOVERNMENTAL  
30 COOPERATION), COUNCILS OF GOVERNMENTS OR A MULTIMUNICIPAL CODE

1 ENFORCEMENT ENTITY, FOR THE PURPOSE OF MUNICIPAL PROPERTY  
2 MAINTENANCE CODE ENFORCEMENT WITHIN THAT COUNTY OR REGION IN  
3 ORDER TO PREVENT AND ERADICATE BLIGHTED PROPERTY CONDITIONS.  
4 § 6123. DEFINITIONS.

5 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
6 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
7 CONTEXT CLEARLY INDICATES OTHERWISE:

8 "DEPARTMENT." THE DEPARTMENT OF COMMUNITY AND ECONOMIC  
9 DEVELOPMENT OF THE COMMONWEALTH.

10 "FUND." THE MUNICIPAL PROPERTY MAINTENANCE CODE ASSISTANCE  
11 FUND ESTABLISHED IN THIS SUBCHAPTER.

12 § 6124. CODE ENFORCEMENT GRANT PROGRAM.

13 (A) ESTABLISHMENT.--THE DEPARTMENT SHALL ISSUE GRANTS TO  
14 MUNICIPALITIES FOR THE PURPOSE OF REDUCING BLIGHTED PROPERTY  
15 CONDITIONS THROUGH ANY OF THE FOLLOWING:

16 (1) THE ESTABLISHMENT OF SPECIAL CODE ENFORCEMENT  
17 PROGRAMS TO ADDRESS BLIGHTED PROPERTY CONDITIONS, WHERE A  
18 MUNICIPAL CODE ENFORCEMENT PROGRAM ALREADY EXISTS.

19 (2) THE ESTABLISHMENT OF CODE ENFORCEMENT PROGRAMS AND  
20 THE HIRING AND TRAINING OF CODE ENFORCEMENT PERSONNEL IN  
21 THOSE MUNICIPALITIES WITHOUT AN EXISTING CODE ENFORCEMENT  
22 PROGRAM.

23 (B) COMPETITIVE AWARDS.--THE DEPARTMENT SHALL ISSUE GRANTS  
24 UNDER THIS SECTION TO MUNICIPALITIES ON A COMPETITIVE BASIS.

25 (C) ELIGIBILITY.--IN ORDER TO RECEIVE A GRANT UNDER THIS  
26 SECTION, A MUNICIPALITY MUST SUBMIT AN APPLICATION ACCEPTABLE TO  
27 THE DEPARTMENT. THE DEPARTMENT SHALL ESTABLISH THE APPLICATION  
28 PROCESS, INCLUDING THE FORM AND MANNER IN WHICH THE APPLICATION  
29 MUST BE SUBMITTED TO THE DEPARTMENT. A MUNICIPALITY SHALL  
30 INCLUDE ALL OF THE FOLLOWING INFORMATION IN AN APPLICATION

1 SUBMITTED UNDER THIS SUBSECTION:

2 (1) THE AGE OF THE EXISTING HOUSING STOCK IN THE  
3 MUNICIPALITY.

4 (2) THE MUNICIPALITY'S CURRENT TAX BASE AND MILLAGE  
5 RATE.

6 (3) THE OVERALL FINANCIAL CONDITION OF THE MUNICIPALITY.

7 (D) AUTHORIZED USES.--A MUNICIPALITY MAY ONLY USE A GRANT  
8 ISSUED UNDER THIS SECTION FOR ANY OF THE FOLLOWING PURPOSES:

9 (1) PROTECTING THE HEALTH, SAFETY AND WELFARE OF THE  
10 GENERAL PUBLIC.

11 (2) PROTECTING THE HEALTH, SAFETY AND WELFARE OF  
12 INDIVIDUALS USING PUBLIC BUILDINGS, INCLUDING PUBLIC  
13 FACILITIES.

14 (3) ENCOURAGING HOMEOWNERS, LANDLORDS AND TENANTS TO  
15 MAINTAIN THE APPEARANCE AND VALUE OF THEIR DWELLINGS.

16 (4) REDUCING CRIME IN NEIGHBORHOODS.

17 (E) MATCHING FUNDS.--A MUNICIPALITY SHALL PROVIDE ITS OWN  
18 FUNDS OR IN-KIND CONTRIBUTIONS, APPROVED BY THE DEPARTMENT AS  
19 DETERMINED BY GUIDELINES ESTABLISHED BY THE DEPARTMENT UNDER  
20 SECTION 6127 (RELATING TO GUIDELINES), EQUAL TO THE AMOUNT OF  
21 THE GRANT PROVIDED, AND SHALL DEDICATE AND EXPEND THOSE FUNDS  
22 FOR THE PURPOSE FOR WHICH THE GRANT WAS AWARDED.

23 (F) LIMITATIONS.--

24 (1) GRANTS ISSUED UNDER THIS SECTION SHALL NOT BE  
25 PROVIDED TO THE SAME RECIPIENT FOR MORE THAN THREE  
26 CONSECUTIVE YEARS.

27 (2) A GRANT ISSUED UNDER THIS SECTION MAY NOT EXCEED  
28 \$100,000.

29 (3) NO GRANT ISSUED UNDER THIS SECTION MAY BE USED TO  
30 PAY CODE ENFORCEMENT PERSONNEL UNLESS THE INDIVIDUAL HAS

1 ACQUIRED RELEVANT CERTIFICATION OR TRAINING IN PROPERTY  
2 MAINTENANCE.

3 (4) GRANTS ISSUED UNDER THIS SECTION MAY NOT EXCEED THE  
4 AMOUNT OF MONEY IN THE FUND.

5 § 6125. FUND.

6 (A) ESTABLISHMENT.--THE MUNICIPAL PROPERTY MAINTENANCE CODE  
7 ASSISTANCE FUND IS ESTABLISHED WITHIN THE STATE TREASURY.

8 (B) TRANSFERS.--FOR THE FISCAL YEAR BEGINNING JULY 1, 2022,  
9 THE STATE TREASURER SHALL TRANSFER \$10,000,000 FROM THE GENERAL  
10 FUND TO THE FUND FROM THE AMOUNT OF MONEY GENERATED FROM THE  
11 REALTY TRANSFER TAX IMPOSED UNDER SECTION 1102-C OF THE ACT OF  
12 MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF  
13 1971.

14 (C) USE OF FUNDS.--THE FUND SHALL BE USED BY THE DEPARTMENT  
15 EXCLUSIVELY FOR THE PURPOSE OF ISSUING THE GRANTS PROVIDED FOR  
16 UNDER SECTION 6124 (RELATING TO CODE ENFORCEMENT GRANT PROGRAM).  
17 THE DEPARTMENT SHALL BE REIMBURSED FROM THE FUND FOR THE  
18 DEPARTMENT'S ADMINISTRATIVE COSTS ASSOCIATED WITH ISSUING THE  
19 GRANTS UNDER SECTION 6124.

20 § 6126. SURCHARGE.

21 (A) IMPOSITION.--SUBJECT TO THE PROVISIONS OF SUBSECTION

22 (B):

23 (1) UPON EACH SUBSEQUENT INSPECTION BY A LOCAL CODE  
24 OFFICIAL, A SURCHARGE OF \$250 MAY BE IMPOSED ON A REAL  
25 PROPERTY OWNER IN VIOLATION OF ONE OR MORE PROVISIONS OF A  
26 MUNICIPAL CODE FOR WHICH THE OWNER WAS PREVIOUSLY CITED FOR  
27 VIOLATING.

28 (2) THE SURCHARGE IMPOSED UNDER PARAGRAPH (1) MAY BE IN  
29 ADDITION TO ANY OTHER APPLICABLE FEE OR CHARGE IMPOSED AND  
30 COLLECTED BY THE MUNICIPALITY AS PROVIDED BY LAW.

1 (B) TIME TO REMEDY.--

2 (1) WITH THE EXCEPTION OF A SERIOUS VIOLATION, A  
3 PROPERTY OWNER SHALL HAVE A MINIMUM OF 90 DAYS FOLLOWING THE  
4 INITIAL INSPECTION BY A LOCAL CODE OFFICIAL TO REMEDY A  
5 VIOLATION OF A MUNICIPAL CODE, FOR WHICH THE OWNER WAS  
6 PREVIOUSLY CITED FOR VIOLATING, BEFORE THE SURCHARGE MAY BE  
7 IMPOSED.

8 (2) FOR A SERIOUS VIOLATION, A PROPERTY OWNER SHALL HAVE  
9 A MINIMUM OF 120 DAYS FOLLOWING THE INITIAL INSPECTION BY A  
10 LOCAL CODE OFFICIAL TO REMEDY THE SERIOUS VIOLATION, FOR  
11 WHICH THE OWNER HAD BEEN PREVIOUSLY CITED FOR VIOLATING,  
12 BEFORE THE SURCHARGE MAY BE IMPOSED.

13 (C) COLLECTION.--

14 (1) THE MUNICIPALITY SHALL COLLECT THE SURCHARGE UNDER  
15 SUBSECTION (A) AND REMIT THE MONEY TO THE DEPARTMENT ON A  
16 QUARTERLY BASIS FOR DEPOSIT INTO THE FUND.

17 (2) THE DEPARTMENT SHALL USE THE MONEY COLLECTED UNDER  
18 PARAGRAPH (1) FOR GRANTS UNDER SECTION 6124 (RELATING TO CODE  
19 ENFORCEMENT GRANT PROGRAM).

20 § 6127. REPORT TO GENERAL ASSEMBLY.

21 THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE URBAN  
22 AFFAIRS AND HOUSING COMMITTEE OF THE SENATE AND THE URBAN  
23 AFFAIRS COMMITTEE OF THE HOUSE OF REPRESENTATIVES CONCERNING THE  
24 IMPLEMENTATION OF THIS SUBCHAPTER. THE REPORT SHALL INCLUDE THE  
25 TOTAL AMOUNT OF MONEY COLLECTED AND DEPOSITED INTO THE FUND AS  
26 WELL AS THE NUMBER OF GRANTS AWARDED AND THE RECIPIENTS OF THOSE  
27 GRANTS.

28 § 6128. GUIDELINES.

29 WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE  
30 DEPARTMENT SHALL ESTABLISH GUIDELINES TO CARRY OUT THE

1 PROVISIONS OF THIS SUBCHAPTER.

2 SUBCHAPTER C.1

3 STATE BLIGHT DATA COLLECTION SYSTEM

4 SEC.

5 6135.1. DEFINITIONS.

6 6135.2. PROPERTY MAINTENANCE CODE VIOLATIONS REGISTRY.

7 6135.3. PROPERTY MAINTENANCE CODE VIOLATION REPORTS.

8 6135.4. DISSEMINATION OF INFORMATION BY DEPARTMENT.

9 6135.5. COMPLIANCE.

10 6135.6. ADMINISTRATIVE REQUIREMENTS.

11 6135.7. AUDIT.

12 6135.8. IMPOSITION OF SURCHARGE.

13 6135.9. DUTY OF ATTORNEY GENERAL.

14 6135.10. APPROPRIATION.

15 § 6135.1. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER

17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 "DEPARTMENT." THE DEPARTMENT OF COMMUNITY AND ECONOMIC

20 DEVELOPMENT OF THE COMMONWEALTH.

21 "MUNICIPAL CLAIM." THE TERM SHALL MEAN THE SAME AS DEFINED

22 IN THE ACT OF MAY 16, 1923 (P.L.207, NO.153), REFERRED TO AS THE

23 MUNICIPAL CLAIM AND TAX LIEN LAW.

24 "REGISTRY." THE PROPERTY MAINTENANCE CODE VIOLATIONS

25 REGISTRY ESTABLISHED UNDER SECTION 6135.2 (RELATING TO PROPERTY

26 MAINTENANCE CODE VIOLATIONS REGISTRY).

27 § 6135.2. PROPERTY MAINTENANCE CODE VIOLATIONS REGISTRY.

28 (A) ESTABLISHMENT.--THE PROPERTY MAINTENANCE CODE VIOLATIONS

29 REGISTRY IS ESTABLISHED. THE DEPARTMENT SHALL IMPLEMENT AND

30 ADMINISTER THE REGISTRY.

1 (B) PURPOSE.--THE REGISTRY SHALL CONTAIN PROPERTY  
2 MAINTENANCE CODE VIOLATION REPORTS FILED BY MUNICIPALITIES UNDER  
3 SECTION 6135.3 (RELATING TO PROPERTY MAINTENANCE CODE VIOLATION  
4 REPORTS).

5 § 6135.3. PROPERTY MAINTENANCE CODE VIOLATION REPORTS.

6 (A) DUTY TO FILE REPORT.--A MUNICIPALITY MAY FILE A PROPERTY  
7 MAINTENANCE CODE VIOLATION REPORT FOR A PERSON WHO OWNS REAL  
8 PROPERTY WITHIN THE MUNICIPALITY WITH CURRENT SERIOUS PROPERTY  
9 MAINTENANCE CODE VIOLATIONS THAT REMAIN UNABATED FOR AT LEAST  
10 120 DAYS.

11 (B) FORMS PROVIDED.--PROPERTY MAINTENANCE CODE VIOLATION  
12 REPORTS SHALL BE MADE ON FORMS PROVIDED BY THE DEPARTMENT AND  
13 SUBMITTED ELECTRONICALLY.

14 (C) INFORMATION INCLUDED.--PROPERTY MAINTENANCE CODE  
15 VIOLATION REPORTS SHALL INCLUDE THE FOLLOWING INFORMATION:

16 (1) THE NAME OF THE PROPERTY OWNER WHOSE REAL PROPERTY  
17 HAS BEEN CITED FOR A SERIOUS PROPERTY MAINTENANCE CODE  
18 VIOLATION. IF THE REAL PROPERTY IS OWNED BY A LIMITED  
19 LIABILITY COMPANY OR OTHER ENTITY THAT DOES NOT LIST EACH  
20 PRINCIPAL OF THE LIMITED LIABILITY COMPANY OR OTHER ENTITY,  
21 THE DEPARTMENT SHALL FIND THE NAMES OF THE PRINCIPALS AND ADD  
22 THEIR NAMES AND THE NAME OF THE LIMITED LIABILITY COMPANY OR  
23 OTHER ENTITY TO THE REGISTRY.

24 (2) A COPY OF THE CITATION ISSUED TO THE REAL PROPERTY.

25 (3) THE PHYSICAL ADDRESS AND COUNTY OF THE REAL  
26 PROPERTY.

27 (4) THE NUMBER OF MUNICIPAL CLAIMS OR LIENS ATTACHED TO  
28 THE REAL PROPERTY.

29 (D) ACCESS.--THE DEPARTMENT SHALL MAKE THE REGISTRY  
30 ACCESSIBLE ELECTRONICALLY TO ALL MUNICIPALITIES. THE DEPARTMENT



1 SHALL MAKE THE REGISTRY SEARCHABLE BY PROPERTY OWNER OR BY  
2 PROPERTY ADDRESS.

3 § 6135.4. DISSEMINATION OF INFORMATION BY DEPARTMENT.

4 (A) AVAILABILITY OF INFORMATION.--INFORMATION CONTAINED IN A  
5 PROPERTY MAINTENANCE CODE VIOLATION REPORT SHALL BE ACCESSIBLE  
6 FOR INSPECTION AND DUPLICATION IN ACCORDANCE WITH THE ACT OF  
7 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

8 (B) REQUESTS BY MUNICIPALITIES.--

9 (1) A MUNICIPALITY MAY REQUEST A COPY OF A PROPERTY  
10 MAINTENANCE CODE VIOLATION REPORT ON A PENDING APPLICANT FOR  
11 A MUNICIPAL PERMIT BY SUBMITTING A PROPERTY MAINTENANCE CODE  
12 VIOLATION REPORT REQUEST FORM TO THE DEPARTMENT OR REQUESTING  
13 THE FORM ELECTRONICALLY.

14 (2) THE DEPARTMENT SHALL DISSEMINATE A PROPERTY  
15 MAINTENANCE CODE VIOLATION REPORT RELATING TO A MUNICIPAL  
16 PERMIT APPLICANT TO THE REQUESTING MUNICIPALITY WITHIN 10  
17 BUSINESS DAYS OF RECEIPT OF A PROPERTY MAINTENANCE CODE  
18 VIOLATION REPORT REQUEST FROM THE MUNICIPALITY.

19 (3) THE MUNICIPALITY SHALL NOTIFY AN APPLICANT IN  
20 WRITING OF THE REASONS FOR A DECISION THAT DENIES THE  
21 APPLICANT A MUNICIPAL PERMIT IF THE DECISION IS BASED IN  
22 WHOLE OR IN PART ON INFORMATION CONTAINED IN THE REGISTRY.

23 (C) REQUESTS BY COMMONWEALTH.--

24 (1) A COMMONWEALTH AGENCY MAY REQUEST A COPY OF A  
25 PROPERTY MAINTENANCE CODE VIOLATION REPORT ON A PENDING  
26 APPLICANT FOR LICENSING OR CERTIFICATION BY SUBMITTING A  
27 PROPERTY MAINTENANCE CODE VIOLATION REPORT REQUEST FORM TO  
28 THE DEPARTMENT OR REQUESTING THE FORM ELECTRONICALLY.

29 (2) THE DEPARTMENT SHALL DISSEMINATE A PROPERTY  
30 MAINTENANCE CODE VIOLATION REPORT RELATING TO A STATE LICENSE

1 OR CERTIFICATION APPLICANT TO A REQUESTING COMMONWEALTH  
2 AGENCY WITHIN TWO WEEKS OF RECEIPT OF A PROPERTY MAINTENANCE  
3 CODE VIOLATION REPORT REQUEST FROM THE AGENCY.

4 (3) THE COMMONWEALTH AGENCY SHALL NOTIFY THE APPLICANT  
5 IN WRITING OF THE REASONS FOR A DECISION THAT DENIES THE  
6 LICENSING OR CERTIFICATION REQUESTED BY THE APPLICANT IF THE  
7 DECISION IS BASED IN WHOLE OR IN PART ON INFORMATION  
8 CONTAINED IN THE REGISTRY.

9 (D) HEARING.--IF REQUESTED BY AN APPLICANT, THE DEPARTMENT  
10 SHALL HOLD A HEARING REGARDING THE PURPOSE FOR WHICH THE  
11 PROPERTY OWNER IS LISTED ON THE REGISTRY, AS APPLICABLE. IF THE  
12 APPLICANT SUBMITS A CERTIFICATE OR LETTER OF CODE COMPLIANCE  
13 FROM THE MUNICIPALITY TO THE DEPARTMENT, THE DEPARTMENT SHALL  
14 IMMEDIATELY UPDATE THE OFFICIAL RECORD IN THE REGISTRY WITHIN 48  
15 HOURS BASED ON THE INFORMATION IN THE CERTIFICATE OR LETTER.

16 (E) RECORD OF DISSEMINATION.--THE DEPARTMENT SHALL MAINTAIN  
17 A LISTING OF COMMONWEALTH AGENCIES AND ALL MUNICIPALITIES THAT  
18 HAVE REQUESTED INFORMATION ON A PARTICULAR REAL PROPERTY OWNER  
19 AND THE DATE ON WHICH THE INFORMATION WAS DISSEMINATED. THIS  
20 LISTING SHALL BE MAINTAINED SEPARATE FROM THE REGISTRY.

21 (F) FEE.--THE DEPARTMENT MAY NOT ASSESS A FEE FOR THE  
22 DISSEMINATION OF PROPERTY MAINTENANCE CODE VIOLATION  
23 INFORMATION.

24 § 6135.5. COMPLIANCE.

25 A MUNICIPALITY THAT FILES A PROPERTY MAINTENANCE CODE  
26 VIOLATION REPORT WITH THE DEPARTMENT SHALL SUBSEQUENTLY PROVIDE  
27 THE PROPERTY OWNER WITH A CERTIFICATE OR LETTER OF CODE  
28 COMPLIANCE WHEN THE REAL PROPERTY IS DECLARED TO BE IN CODE  
29 COMPLIANCE. IF THE PROPERTY OWNER SEEKS TO HAVE THE REAL  
30 PROPERTY REMOVED FROM THE REGISTRY, THE PROPERTY OWNER SHALL

1 FORWARD A COPY OF THE CERTIFICATE OR LETTER OF CODE COMPLIANCE  
2 TO THE DEPARTMENT. THE DEPARTMENT SHALL INCLUDE THE INFORMATION  
3 IN THE CERTIFICATE OR LETTER OF CODE COMPLIANCE AS PART OF THE  
4 OFFICIAL RECORD IN THE REGISTRY FOR THE REAL PROPERTY AND  
5 PROPERTY OWNER.

6 § 6135.6. ADMINISTRATIVE REQUIREMENTS.

7 (A) PROCEDURES.--THE DEPARTMENT SHALL ESTABLISH PROCEDURES  
8 FOR THE COMPLETENESS AND ACCURACY OF INFORMATION IN THE REGISTRY  
9 AND SHALL PROMULGATE THE PROCEDURES IN REGULATIONS NECESSARY TO  
10 CARRY OUT THE DEPARTMENT'S DUTY OF MAINTAINING THE REGISTRY.

11 (B) FORMS.--THE DEPARTMENT SHALL DEVELOP PROPERTY  
12 MAINTENANCE CODE VIOLATION REPORT FORMS AND PROPERTY MAINTENANCE  
13 CODE VIOLATION REPORT REQUEST FORMS, AS WELL AS PROCEDURES TO  
14 OBTAIN THE INFORMATION ELECTRONICALLY.

15 (C) SECURITY REQUIREMENTS.--THE DEPARTMENT SHALL MAINTAIN  
16 THE SECURITY OF THE INFORMATION CONTAINED IN THE REGISTRY. THE  
17 FOLLOWING APPLY:

18 (1) PROCEDURES SHALL BE INSTITUTED TO REASONABLY PROTECT  
19 THE REGISTRY FROM THEFT, FIRE, SABOTAGE, FLOOD, WIND OR OTHER  
20 NATURAL OR MANMADE DISASTERS.

21 (2) ALL PERSONNEL AUTHORIZED TO ACCESS REGISTRY  
22 INFORMATION SHALL BE SELECTED, SUPERVISED AND TRAINED  
23 ACCORDINGLY.

24 (3) THE REGISTRY SHALL BE AVAILABLE TO THE PUBLIC.

25 § 6135.7. AUDIT.

26 (A) DUTY OF AUDITOR GENERAL.--THE AUDITOR GENERAL SHALL  
27 CONDUCT ANNUAL PERFORMANCE AUDITS OF REGISTRY OPERATIONS FOR THE  
28 FIRST THREE YEARS OF THE REGISTRY'S EXISTENCE AND THEN EVERY  
29 FIVE YEARS THEREAFTER.

30 (B) ACCESS TO RECORDS.--THE DEPARTMENT SHALL PROVIDE

1 AUDITORS WITH ACCESS TO ALL RECORDS, REPORTS AND LISTINGS  
2 REQUIRED TO CONDUCT AN AUDIT OF PROPERTY MAINTENANCE CODE  
3 VIOLATIONS RECORD INFORMATION. PERSONS THAT HAVE SUPERVISION OF  
4 OR ARE AUTHORIZED TO RECEIVE REGISTRY INFORMATION SHALL  
5 COOPERATE WITH AUDITORS AND PROVIDE REQUESTED INFORMATION.

6 (C) CONTENTS OF AUDIT.--THE AUDIT SHALL REPORT IN WRITING  
7 DEFICIENCIES AND RECOMMENDATIONS FOR CORRECTING THE  
8 DEFICIENCIES. THE DEPARTMENT SHALL RESPOND TO THE AUDIT  
9 RECOMMENDATIONS WITHIN A REASONABLE PERIOD OF TIME.

10 § 6135.8. IMPOSITION OF SURCHARGE.

11 A PROPERTY OWNER THAT IS IN VIOLATION OF A MUNICIPAL PROPERTY  
12 MAINTENANCE CODE FOR MORE THAN 120 DAYS MAY BE SUBJECT TO A  
13 REGISTRY SURCHARGE IN THE AMOUNT OF \$500 FOR EACH VIOLATION. THE  
14 FOLLOWING APPLY TO THE SURCHARGE:

15 (1) THE SURCHARGE SHALL BE IN ADDITION TO ANY OTHER  
16 APPLICABLE FEES OR CHARGES LAWFULLY COLLECTED BY THE  
17 MUNICIPALITY AND COURT.

18 (2) THE SURCHARGE SHALL TAKE THE FORM OF A LIEN ON THE  
19 REAL PROPERTY AND THE MUNICIPALITY SHALL FILE THE LIEN WITH  
20 THE COUNTY PROTHONOTARY OR EQUIVALENT OFFICE.

21 (3) THE COUNTY PROTHONOTARY OR REGISTRY SHALL COLLECT  
22 THE SURCHARGE AND REMIT ALL MONEY TO THE DEPARTMENT ON A  
23 QUARTERLY BASIS.

24 (4) MONEY GENERATED BY THE SURCHARGE SHALL BE USED TO  
25 FINANCE THE ONGOING OPERATION OF THE REGISTRY AND TO  
26 REIMBURSE THE DEPARTMENT FOR ITS ADMINISTRATIVE COSTS IN  
27 IMPLEMENTING THE REGISTRY UNDER THIS SUBCHAPTER.

28 (5) EACH FISCAL YEAR, THE DEPARTMENT SHALL TRANSFER 10%  
29 OF THE MONEY GENERATED BY THE SURCHARGE IN THE PRIOR FISCAL  
30 YEAR TO THE UNIFIED JUDICIAL SYSTEM TO CONDUCT TRAINING OF

1 THE JUDICIARY IN ACCORDANCE WITH 42 PA.C.S. § 1907 (RELATING  
2 TO DETERIORATED REAL PROPERTY EDUCATION AND TRAINING PROGRAM  
3 FOR JUDGES).

4 § 6135.9. DUTY OF ATTORNEY GENERAL.

5 (A) OUT-OF-STATE PROPERTY OWNERS.--FOR A PERSON WHO LIVES OR  
6 HAS A PRINCIPAL PLACE OF RESIDENCE OUTSIDE THIS COMMONWEALTH AND  
7 OWNS REAL ESTATE PROPERTY IN THIS COMMONWEALTH, UPON WRITTEN  
8 REQUEST BY A MUNICIPALITY, THE ATTORNEY GENERAL MAY ASSIST THE  
9 MUNICIPALITY IN PURSUING COMPLIANCE OF THE PROPERTY OWNER IN  
10 ORDER TO BRING THE PROPERTY UP TO MUNICIPAL CODE IF:

11 (1) A SERIOUS CODE VIOLATION HAS BEEN CITED.

12 (2) THE PROPERTY OWNER IS CHARGED UNDER 18 PA.C.S.  
13 (RELATING TO CRIMES AND OFFENSES).

14 (3) THE PROPERTY OWNER WAS PROPERLY NOTIFIED OF THE  
15 VIOLATIONS.

16 (B) REMEDIES.--FOR A VIOLATION UNDER SUBSECTION (A), THE  
17 ATTORNEY GENERAL MAY SEND A WARNING LETTER TO THE PROPERTY OWNER  
18 OR FILE A COURT PROCEEDING ON BEHALF OF THE MUNICIPALITY.

19 § 6135.10. APPROPRIATION.

20 THE SUM OF \$1,000,000 IS HEREBY APPROPRIATED FROM THE GENERAL  
21 FUND TO THE DEPARTMENT FOR THE INITIAL STATEWIDE IMPLEMENTATION  
22 OF THE REGISTRY FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, AND  
23 ENDING JUNE 30, 2023.

24 Section 2 3. Section 6141 of Title 53 is amended to read: <--

25 § 6141. [(Reserved).] Vacant AND BLIGHTED property <--

26 registration and annual assessment. <--

27 (a) Authorization.--

28 (1) A municipality may impose and collect, by ordinance,

29 a vacant property registration fee and a vacant property <--

30 annual assessment A VACANT AND BLIGHTED PROPERTY REGISTRATION <--

1 ~~FEE consistent with this section on properties deemed vacant~~ <--  
2 ~~and on properties deemed vacant AND blighted properties.~~ <--

3 (2) A municipality with a vacant AND BLIGHTED property <--  
4 registration ordinance in place prior to the effective date  
5 of this subsection shall not be required to amend the  
6 ordinance to comply with the provisions of this section.

7 (3) A MUNICIPALITY WITH AN EXISTING PROGRAM FOR VACANT <--  
8 AND BLIGHTED PROPERTY REGISTRATION MAY CONTINUE TO OPERATE  
9 THE PROGRAM WITHOUT IMPACTING ANY OTHER LAW AUTHORIZING THE  
10 MUNICIPALITY TO REGULATE VACANT OR BLIGHTED PROPERTY.

11 (b) Listing required.--

12 (1) A municipality that elects to impose and collect a  
13 fee and annual assessment REGISTRATION FEE under this section <--  
14 shall compile and maintain a vacant and ~~vacant~~ blighted <--  
15 properties list that identifies by address and owner all  
16 vacant and ~~vacant~~ blighted properties in the municipality. <--  
17 Each listing shall contain the date ~~the~~ EACH VACANT AND <--  
18 BLIGHTED property was listed and ~~whether the property is a~~ <--  
19 ~~vacant or vacant blighted property.~~

20 (2) The municipality shall update the municipality's  
21 vacant and ~~vacant~~ blighted properties list annually and <--  
22 submit the list to the county assessment office or comparable  
23 office in a home rule county.

24 (3) The municipality shall submit the municipality's  
25 first vacant and ~~vacant~~ blighted properties list to the <--  
26 county assessment or comparable office in a home rule county  
27 within six months of the enactment of an ordinance under this  
28 section. All other submissions shall be submitted as provided  
29 under paragraph (2).

30 (c) Amount of annual assessment. <--

1 ~~(1) A property deemed vacant and ineligible for an~~  
2 ~~exemption as provided in subsection (d) shall be subject to~~  
3 ~~an annual assessment at the rate of \$5 per every \$100 of~~  
4 ~~assessed value.~~

5 ~~(2) A property deemed a vacant blighted property and~~  
6 ~~ineligible for an exemption as provided in subsection (d)~~  
7 ~~shall be subject to an annual assessment at the rate of \$10~~  
8 ~~per every \$100 of assessed value.~~

9 (C) AMOUNT OF REGISTRATION FEE.--A REGISTRATION FEE SHALL BE <--  
10 IMPOSED FOR EACH YEAR THAT A VACANT AND BLIGHTED PROPERTY IS NOT  
11 IN COMPLIANCE WITH THE MUNICIPAL CODE, SUBJECT TO THE FOLLOWING:

12 (1) IF THE PROPERTY OWNER BRINGS THE PROPERTY INTO  
13 COMPLIANCE WITH THE MUNICIPAL CODE WITHIN 12 MONTHS OR SELLS  
14 THE PROPERTY TO AN ENTITY THAT BRINGS THE PROPERTY INTO  
15 COMPLIANCE WITH THE MUNICIPAL CODE, THE FEE SHALL BE WAIVED  
16 IN ACCORDANCE WITH SECTION 3 OF THE ACT OF DECEMBER 20, 2000  
17 (P.L.724, NO.99), KNOWN AS THE MUNICIPAL CODE AND ORDINANCE  
18 COMPLIANCE ACT.

19 (2) THE FEE SHALL BE \$500 ONE YEAR AFTER THE DATE ON  
20 WHICH THE PROPERTY WAS LISTED ON THE REGISTRY.

21 (3) THE FEE SHALL BE \$1,000 TWO YEARS FROM THE DATE ON  
22 WHICH THE PROPERTY WAS LISTED ON THE REGISTRY.

23 (4) THE FEE SHALL BE \$2,000 THREE AND FOUR YEARS FROM  
24 THE DATE ON WHICH THE PROPERTY WAS LISTED ON THE REGISTRY.

25 (5) THE FEE SHALL BE \$3,500 FIVE THROUGH EIGHT YEARS  
26 FROM THE DATE ON WHICH THE PROPERTY WAS LISTED ON THE  
27 REGISTRY.

28 (6) THE FEE SHALL BE \$5,000 NINE OR MORE YEARS FROM THE  
29 DATE ON WHICH THE PROPERTY WAS LISTED ON THE REGISTRY.

30 (d) Exempt vacant AND BLIGHTED properties.--A vacant AND <--

1 BLIGHTED property shall be exempt from inclusion on the vacant  
2 and vacant blighted properties list under subsection (b), except <--  
3 as otherwise provided in paragraph (3), and from annual  
4 assessment under subsection (c) if the vacant ~~or vacant~~ AND <--  
5 blighted property is:

6 (1) Owned by the Federal Government or one of its <--  
7 instrumentalities. STATE GOVERNMENT OR A MUNICIPALITY, <--  
8 REDEVELOPMENT AUTHORITY, HOUSING AUTHORITY OR LAND BANK,  
9 INCLUDING ONE OF THEIR INSTRUMENTALITIES.

10 (2) Under active construction or undergoing active  
11 rehabilitation, renovation or repair and a permit to make the  
12 property fit for human occupancy was issued, renewed or  
13 extended within 12 months of the required registration date.

14 (3) In compliance with all Federal, State and local laws  
15 and the owner or the owner's agent has been actively seeking  
16 in good faith to rent or sell the property. The time frame  
17 for sale or rent does not exceed:

18 (i) one year from the initial listing, offer or  
19 advertisement of sale, in the case of a residential  
20 property;

21 (ii) two years from the initial listing, offer or  
22 advertisement of sale, in the case of a commercial  
23 property; or

24 (iii) one year from the initial listing, offer or  
25 advertisement to rent, provided that any leased property  
26 exempt under this paragraph has a valid certificate of  
27 occupancy from the municipality.

28 The owner of a vacant property that satisfies the conditions <--  
29 of this paragraph shall be subject to the duty to register  
30 and pay the annual registration fee required by subsection



1 ~~(e).~~

2 (4) Exempted by the municipality upon a showing of  
3 economic hardship by the owner and that the owner is working  
4 with the municipality to bring the property into compliance  
5 with all Federal, State and local codes. An exemption under  
6 this paragraph shall be subject to the following provisions:

7 (i) the exemption may be granted for a time frame  
8 not to exceed 12 months from the required registration  
9 date, subject to renewal on the basis of continuing  
10 economic hardship. The municipality may withdraw the  
11 exemption at any time;

12 (ii) the exemption may be granted for a time frame  
13 not to exceed 24 months, if the property is subject to a  
14 probate proceeding or the title is the subject of  
15 litigation, not including a foreclosure of the right of  
16 redemption action;

17 (iii) the exemption may be granted for a time frame  
18 not to exceed 12 months, if the property is subject to a  
19 pending application for a necessary approval for  
20 development before State, regional or municipal planning  
21 or zoning authorities and is maintained according to all  
22 Federal, State and local laws; or

23 (iv) the cumulative time frame for an exemption from  
24 registration and annual assessment as provided under this <--  
25 paragraph for a vacant AND BLIGHTED property under the <--  
26 same, substantially similar or related ownership shall  
27 not exceed 36 consecutive months.

28 (5) Owned by a member of the United States military  
29 presently on active duty, provided that the property is in  
30 compliance with all Federal, State or local codes.

1 ~~(e) Duties of owner and amount of registration fee. The~~ <--  
2 ~~owner of a vacant property shall maintain the property in~~  
3 ~~compliance with the requirements of all Federal, State and local~~  
4 ~~requirements and, within 30 days after the property is~~  
5 ~~determined to be vacant, shall register the property with the~~  
6 ~~municipality and pay an annual registration fee of \$25 to the~~  
7 ~~municipality. If the name or address of the owner changes for~~  
8 ~~any reason other than by transfer or conveyance, the change~~  
9 ~~shall be reported to the municipality in writing within 30 days.~~

10 ~~(f) Effect of conveyance. If a present interest in a vacant~~  
11 ~~property registered under this section is transferred or~~  
12 ~~otherwise conveyed by deed, the deed shall not be recorded by~~  
13 ~~the recorder of deeds until a new vacancy registration is filed~~  
14 ~~with the municipality and the applicable fees are paid to the~~  
15 ~~municipality in accordance with this section.~~

16 (E) RIGHT OF APPEAL.--AN ORDINANCE ADOPTED UNDER THIS <--  
17 SECTION SHALL PROVIDE AN OPPORTUNITY FOR AN APPEAL BY THE OWNER  
18 OF PROPERTY THAT IS DEEMED VACANT AND BLIGHTED PROPERTY.

19 ~~(g) (F) Penalties.--~~ <--

20 (1) An owner who fails to comply with the registration  
21 requirements required by this section shall be assessed a  
22 penalty of \$25 per day for residential properties A VACANT <--  
23 AND BLIGHTED PROPERTY THAT IS RESIDENTIAL and \$50 per day for  
24 A VACANT AND BLIGHTED PROPERTY THAT IS commercial or <--  
25 industrial properties for each day that the owner fails to <--  
26 register the vacant property with the municipality. The owner <--  
27 shall also be subject to penalties assessed under all other  
28 applicable Federal, State and local laws.

29 (2) The amount of any unpaid fee or annual assessment <--  
30 authorized under this subsection SECTION shall constitute a <--

1 lien against the property and shall be collected in the same  
2 manner as municipal claims by the municipality.

3 ~~(h) (G) Blight remediation and eradication fund.--~~ <--

4 (1) A municipality that imposes a vacant AND BLIGHTED <--  
5 property registration fee and a vacant property annual <--  
6 assessment shall establish a blight remediation and  
7 eradication fund into which ~~must~~ SHALL be deposited all <--  
8 vacancy registration fees, ~~annual assessments~~ and penalties <--  
9 the municipality collects.

10 (2) A municipality may use the funds in the  
11 municipality's blight remediation and eradication fund to:

12 (i) acquire tax delinquent and foreclosed  
13 properties;

14 (ii) donate to a land bank established by local  
15 ordinance or State law;

16 (iii) apply to conservatorship projects as provided  
17 in the act of November 26, 2008 (P.L.1672, No.135), known  
18 as the Abandoned and Blighted Property Conservatorship  
19 Act;

20 (iv) remediate blight conditions in the  
21 municipality; and

22 (v) educate the municipality's residents about the  
23 costs and dangers of vacancy and blight.

24 (3) A municipality may use up to 5% of the blight  
25 remediation and eradication fund for administrative costs of  
26 carrying out the provisions of an ordinance enacted under  
27 this section.

28 ~~Section 3. This act shall take effect in 60 days.~~ <--

29 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <--

30 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

1           (2) THE ADDITION OF 53 PA.C.S. CH. 61 SUBCH. B.1 SHALL  
2 TAKE EFFECT IN 90 DAYS.

3           (3) THE ADDITION OF 53 PA.C.S. CH. 61 SUBCH. C.1 SHALL  
4 TAKE EFFECT IN 120 DAYS.

5           (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
6 DAYS.