



Senate Urban Affairs & Housing Committee

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Summary Senate Bill 1291, Printer's Number 1860

Prime Sponsor: Senator Rhoades

Summary

A. Preliminary Provisions

- Short title
- Legislative findings
- Definitions

B. Actions Against Owner of Blighted Property

- Allows municipal governments and owners and tenants of real property to initiate legal proceedings against violations of building, housing or health codes.
- Jurisdiction would be with magisterial district justices.
- Allows municipalities to take a legal action for code violations more than 60 days old and allows the action to be for the amount of the penalty and any costs expended by the municipality to abate the violations.
- Allows liens to be placed against the assets of an owner of blighted property that has been ruled against in a court proceeding and has not remedied the violations.
- Allows out of state owners of property with housing code violations to be extradited.

C. Responsibilities of Mortgage Lenders

- Requires lenders that assume properties as the result of foreclosure to abate most code violations within 60 days. This period may be extended to 120 days if the lender has a contract in place to sell the property.
- Identifies entities that are allowed to grant or insure a residential mortgage in PA (subchapter 6123).

D. Conservatorship (being removed by amendment)

E. State and Local Government Permit Denials

- A state agency, board or commission may deny permit applications if the applicant owns property that is delinquent on taxes; water, sewer, or refuse fees; or out of compliance with building code requirements.
- Approval of permit applications may be withheld until the applicant provides proof the property has resolved the issues outlined above.

- A municipality may deny building and zoning permits, variances, licenses, etc. if the applicant owns property that is delinquent on taxes; water, sewer, or refuse fees; or out of compliance with building code requirements.
- Approval of municipal applications may be withheld until the applicant provides proof the property has resolved the issues outlined above.

F. State Blight Data Collection System

- Creates the Property Maintenance Code Violations Registry to be administered by DCED and contain the date from property maintenance code violation (PMCV) [defined on page 8 of the bill] reports filed by municipalities.
- Municipalities shall file PMCV reports for any property owner with a code violation that has gone unabated for 90 days.
- Information contained in the PMCV registry and the PMCV reports are deemed public records under the Right-to-Know Law.
- State agencies and municipalities may request a PMCV report on an applicant for permits, etc. and if said application is denied as a result of the information contained in the PMCV report, the state agency or municipality must notify the applicant in writing.
- Applicants denied a permit, license, etc may request a hearing.
- Municipalities are required to submit an expungement request to DCED once a property is brought into compliance.
- DCED is prohibited from charging a fee for the dissemination of information from the PMCV registry.
- The Auditor General is required to audit the PMCV registry annually.
- A \$100 fee will be imposed on every property owner for each property maintenance code violation. Municipalities will collect the fee and remit it to DCED for implementation of the PMCV registry and for the judicial training provided for in subchapter I.

G. Grants

- Requires DCED to establish the Municipal Code Enforcement Grant Program.
- Grants will be awarded to municipalities to establish special code enforcement programs and to train code enforcement personnel.

H. Sale of Blighted and Abandoned Properties (being removed by amendment)

I. Miscellaneous Provisions

- Provides that refusing to issue or renew an insurance policy on real property due to the condition of surrounding properties is an unfair insurance practice.
- Establishes annual and ongoing education and training programs for judges on laws related to blighted and abandoned properties.
- Allows counties to create housing courts.