

# Blighted Properties

This Act grants powers to a municipality to take action against an owner of real property that is in serious violation of code or an owner who fails to correct a condition which causes the property to be regarded as a public nuisance. For example, a municipality may initiate an in personam action against an owner for a continuing violation for which the owner takes no substantial step to correct within six months of receiving an order to correct a violation. The municipality may also recover an amount equal to any penalties imposed against the owner and any costs of remediation incurred by the municipality to fix the code violation. To recover the amount, a lien may be placed against the assets of the owner.

A municipality may deny a permit to an applicant who owns real property in any municipality and has a tax, water, sewer, or refuse collection delinquency or for failing to abate a serious violation of state law or code, for which a district judge or municipal court has imposed fines or penalties.

The Act enables counties to establish a housing court to hear and decide matters arising under the Act and other laws concerning real property.

The legislation enables the administrative office of the courts to develop annual training programs for judges about state laws which address blighted and abandoned property.

Submitted as:

Pennsylvania

[SB 900](#)

Status: Enacted into law in 2010.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act shall be cited as “The Neighborhood Blight,  
2 Reclamation, and Revitalization Act.”

3  
4           Section 2. [*Definitions.*] As used in this Act:

5           (1) “Board” shall mean a zoning hearing board or other body granted jurisdiction to  
6 render decisions in accordance with [insert citation], or a similar board in municipalities not  
7 subject to that Act.

8           (2) “Building” means a residential, commercial or industrial building or structure and the  
9 land appurtenant to it.

10           (3) “Code” means a building, housing, property maintenance, fire, health or other public  
11 safety ordinance enacted by a municipality. The term does not include a subdivision and land  
12 development ordinance or a zoning ordinance enacted by a municipality.

13           (4) “Court” means the appropriate court of common pleas.

14           (5) “Mortgage lender” means a business association defined as a “banking institution” or  
15 “mortgage lender” under [insert citation] that is in possession of or holds title to real property  
16 pursuant to, in enforcement of or to protect rights arising under, a mortgage, mortgage note, deed  
17 of trust or other transaction that created a security interest in the real property.

18           (6) “Municipality” means a city, borough, incorporated town, township or home rule,  
19 optional plan or optional charter municipality or municipal authority in this state and any entity  
20 pursuant to [insert citation].

21 (7) "Municipal permits" means privileges relating to real property granted by a  
22 municipality, including, but not limited to, building permits, exceptions to zoning ordinances and  
23 occupancy permits. The term includes approvals pursuant to land use ordinances other than  
24 decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative  
25 amendment.

26 (8) "Owner" means a holder of the title to residential, commercial or industrial real estate,  
27 other than a mortgage lender, who possesses and controls the real estate. The term includes, but  
28 is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a  
29 matter of public record.

30 (9) "Public nuisance" means a property which, because of its physical condition or use, is  
31 regarded as a public nuisance at common law or has been declared by the appropriate official a  
32 public nuisance in accordance with a municipal code .

33 (10) "Serious violation" means a violation of a state law or municipal code that poses an  
34 immediate or imminent threat to the health and safety of a dwelling occupant, occupants in  
35 surrounding structures or passersby.

36 (11) "State law" means a statute of this state or a regulation of an agency charged with  
37 the administration and enforcement of state law.

38 (12) "Substantial step" means an affirmative action as determined by a property code  
39 official or office of the court on the part of a property owner or managing agent to remedy a  
40 serious violation of a state law or municipal code, including, but not limited to, physical  
41 improvements or repairs to the property, which affirmative action is subject to appeal in  
42 accordance with applicable law.

43 (13) "Tax delinquent property" means tax delinquent real property as defined under  
44 [insert citation].

45  
46 Section 3. [*Actions Against Owners of Property with Serious Code Violations.*]

47 (A) In addition to any other remedy available at law or in equity, a municipality may  
48 institute the following actions against the owner of any real property that is in serious violation  
49 of a code for failure to correct a condition which causes the property to be regarded as a public  
50 nuisance:

51 (1) (a) an in personam action may be initiated for a continuing violation for  
52 which the owner takes no substantial step to correct within [six] months following receipt of an  
53 order to correct the violation, unless the order is subject to a pending appeal before the  
54 administrative agency or court.

55 (b) notwithstanding any law limiting the form of action for the recovery of  
56 penalties by a municipality for the violation of a code, the municipality may recover, in a single  
57 action under this section, an amount equal to any penalties imposed against the owner and any  
58 costs of remediation lawfully incurred by, or on behalf of, the municipality to remedy any code  
59 violation.

60 (2) a proceeding in equity.

61 (B) A lien may be placed against the assets of an owner of real property that is in serious  
62 violation of a code or is regarded as a public nuisance after a judgment, decree or order is entered  
63 by a court of competent jurisdiction against the owner of the property for an adjudication under  
64 [insert citation].

65 (C) Nothing in this section shall be construed to authorize, in the case of an owner that is  
66 an association or trust, a lien on the individual assets of the general partner or trustee, except as  
67 otherwise allowed by law, limited partner, shareholder, member or beneficiary of the association  
68 or trust.

69 (D) Where, after reasonable efforts, service of process for a notice or citation for any  
70 code violation for any real property owned by an association or trust cannot be accomplished by  
71 handing a copy of the notice or citation to an executive officer, partner or trustee of the  
72 association or trust or to the manager, trustee or clerk in charge of the property, the delivery of  
73 the notice or citation may occur by registered, certified or United States Express Mail,  
74 accompanied by a delivery confirmation:

- 75 (1) to the registered office of the corporation, business association, or trust.
- 76 (2) where the association or trust does not have a registered office, to the mailing  
77 address used for real estate tax collection purposes, if accompanied by the posting of a  
78 conspicuous notice to the property and by handing a copy of the notice or citation to the person  
79 in charge of the property at that time.

80 (E) A person who lives or has a principal place of residence outside this state, who owns  
81 property in this state against which code violations have been cited under [insert citation], and  
82 the person is charged under [insert citation], and who has been properly notified of the violations  
83 may be extradited to this state to face criminal prosecution to the full extent allowed and in the  
84 manner authorized by [insert citation].

85  
86 Section 4. [*Conditions for Municipalities Denying Permits to Applicants Who Own Real*  
87 *Property.*]

88 (A) A municipality or a board may deny issuing to an applicant a municipal permit if the  
89 applicant owns real property in any municipality for which there exists on the real property:

- 90 (1) a final and unappealable tax, water, sewer or refuse collection delinquency on  
91 account of the actions of the owner; or
- 92 (2) a serious violation of state law or a code and the owner has taken no  
93 substantial steps to correct the violation within [six] months following notification of the  
94 violation and for which fines or a judgment to abate or correct were imposed by a [magisterial  
95 district judge] or [municipal court], or a judgment at law or in equity was imposed by a [court of  
96 common pleas]. However, no denial shall be permitted on the basis of a property for which the  
97 judgment, order or decree is subject to a stay or supersede as by an order of a court of competent  
98 jurisdiction or automatically allowed by statute or rule of court until the stay or supersede is  
99 lifted by the court or a higher court or the stay or supersede as expires as otherwise provided by  
100 law. Where a stay or supersede as is in effect, the property owner shall so advise the municipality  
101 seeking to deny a municipal permit.

102 (B) A municipality or board shall not deny a municipal permit to an applicant if the  
103 municipal permit is necessary to correct a violation of state law or a code.

104 (C) The municipal permit denial shall not apply to an applicant's delinquency on taxes,  
105 water, sewer or refuse collection charges that are under appeal or otherwise contested through a  
106 court or administrative process.

107 (D) In issuing a denial of a permit based on an applicant's delinquency in real property  
108 taxes or municipal charges or for failure to abate a serious violation of state law or a code on real  
109 property that the applicant owns in this state, the municipality or board shall indicate the street  
110 address, municipal corporation and county in which the property is located and the court and  
111 docket number for each parcel cited as a basis for the denial. The denial shall also state that the  
112 applicant may request a letter of compliance from the appropriate state agency, municipality or  
113 school district, in a form specified by such entity as provided in this section.

114 (E) All municipal permits denied in accordance with this section may be withheld until an  
115 applicant obtains a letter from the appropriate state agency, municipality or school district  
116 indicating the following:

117 (1) the property in question has no final and unappealable tax, water, sewer or  
118 refuse delinquencies;

119 (2) the property in question is now in state law and code compliance; or

120 (3) the owner of the property has presented and the appropriate state agency or  
121 municipality has accepted a plan to begin remediation of a serious violation of state law or a  
122 code. Acceptance of the plan may be contingent on:

123 (a) beginning the remediation plan within no fewer than [30] days  
124 following acceptance of the plan or sooner, if mutually agreeable to both the property owner and  
125 the municipality.

126 (b) completing the remediation plan within no fewer than [90] days  
127 following commencement of the plan or sooner, if mutually agreeable to both the property owner  
128 and the municipality.

129 (F) In the event that the appropriate state agency, municipality or school district fails to  
130 issue a letter indicating tax, water, sewer, refuse, state law or code compliance or  
131 noncompliance, as the case may be, within [45] days of the request, the property in question shall  
132 be deemed to be in compliance for the purpose of this section. The appropriate state agency,  
133 municipality or school district shall specify the form in which the request for a compliance letter  
134 shall be made.

135 (G) Letters required under this section shall be verified by the appropriate municipal  
136 officials before issuing to the applicant a municipal permit.

137 (H) (1) Municipal permits may be denied by a board in accordance with the  
138 requirements of this section to the extent that approval of the municipal permit is within the  
139 jurisdiction of the board.

140 (2) In any proceeding before a board other than the governing body of the  
141 municipality, the municipality may appear to present evidence that the applicant is subject to a  
142 denial by the board in accordance with this section.

143 (3) For purposes of this subsection, a municipal permit may only be denied to an  
144 applicant other than an owner if the applicant is acting under the direction, or with the  
145 permission, of an owner and the owner owns real property satisfying the conditions of subsection  
146 (A).

147 (I) A denial of a permit shall be subject to the provisions of [insert citation].

148

149 Section 5. [*Housing Courts.*]

150 (A) The [court of common pleas of a judicial district] may establish, from available  
151 funds, a housing court which shall have jurisdiction as provided under subsection (D). The court  
152 may adopt local rules for the administration of housing courts and their related services such as  
153 housing clinics to counsel code violators on their responsibilities and procedures to bring  
154 properties into code compliance. The local rules may not be inconsistent with this section or any  
155 rules established by the [supreme court].

156 (B) To the extent that funds are available, the [supreme court] may appoint a statewide  
157 [housing courts coordinator] who may be assigned other responsibilities by the [supreme court].  
158 The [coordinator] may:

159 (1) encourage and assist in the establishment of housing courts in each judicial  
160 district where the caseload justifies the establishment of such courts.

161 (2) identify sources of funding for housing courts and their related services,  
162 including the availability of grants.

163 (3) provide coordination and technical assistance for grant applications.

164 (4) develop model guidelines for the administration of housing courts and their  
165 related services.

166 (5) establish procedures for monitoring housing courts and their related services  
167 and for evaluating the effectiveness of housing courts and their related services.

168 (C) The [supreme court] may establish, from available funds, an [interdisciplinary and  
169 inter-branch advisory committee] to advise and assist the [statewide housing courts coordinator]  
170 in monitoring and administering housing courts statewide.

171 (D) In a [court of common pleas] which has established a housing court pursuant to this  
172 section, the exclusive jurisdiction of the following matters may be vested in the housing court:

173 (1) criminal and civil actions arising within the county under any other general or  
174 special law, ordinance, rule or regulation concerned with the health, safety or welfare of an  
175 occupant of a place used, or intended for use, as a place of human habitation.

176 (2) land use decisions appealed to the [court of common pleas] in accordance with  
177 [insert citation], provided those relate to single family and multifamily properties, or proceedings  
178 appealed to court in accordance with [insert citation], relating to the establishment of historic  
179 districts.

180 (3) appeals from government agencies under [insert citation] or otherwise,  
181 relating to the housing, building, safety, plumbing, mechanical, electrical, health or fire  
182 ordinances and regulations of a municipal corporation within the county or of the county itself.

183 (4) matters arising under [insert citation], which involve a place used, or intended  
184 for use, as a place of human habitation.

185  
186 Section 6. [*Deteriorated Real Property Education and Training Programs for Judges.*]  
187 The [administrative office of the courts] may develop and implement annual and ongoing  
188 education and training programs for judges, including magisterial district judges, regarding the  
189 laws of this state relating to blighted and abandoned property and the economic impact that  
190 blighted and abandoned properties have upon municipalities. The education and training  
191 programs shall include, but not be limited to:

- 192 (1) the importance and connection of code violations and crime.
- 193 (2) time-in-fact violations as they relate to code violations.
- 194 (3) conduct of witnesses in prosecuting code violations.
- 195 (4) limiting continuances in code violations.
- 196 (5) use of indigency hearings in the prosecution of code violations.

197  
198 Section 7. [*Conflict with Other Law.*] In the event of a conflict between the requirements  
199 of this Act and federal requirements applicable to demolition, disposition or redevelopment of  
200 buildings, structures or land owned by or held in trust for the government of the United States  
201 and regulated pursuant to the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437  
202 et seq.) and the regulations promulgated thereunder, the federal requirements shall prevail.

203  
204 Section 8. [*Relief for Inherited Property.*] Where property is inherited by will or  
205 intestacy, the devisee or heir shall be given the opportunity to make payments on reasonable  
206 terms to correct code violations or to enter into a remediation agreement under [insert citation]  
207 with a municipality to avoid subjecting the devisee's or heir's other properties to asset  
208 attachment or denial of permits and approvals on other properties owned by the devisee or heir.

209  
210 Section 9. [*Construction.*] Nothing in this Act shall be construed to abridge or alter the  
211 remedies now existing at common law or by statute, but the provisions of this Act are in addition  
212 to such remedies.

213  
214 Section 10. [*Severability.*] [Insert severability clause.]

215  
216  
217  
218

Section 11. [*Repealer.*] [Insert repealer clause.]

Section 12. [*Effective Date.*] [Insert effective date.]