

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1163 Session of 2023

INTRODUCED BY SALISBURY, MADDEN, BRENNAN, SANCHEZ, HILL-EVANS, BOROWSKI, KINKEAD, GALLAGHER, ABNEY, MULLINS, McANDREW, TAKAC, FLEMING, SAMUELSON, WAXMAN, PIELLI, PISCIOTTANO, SMITH-WADE-EL, PARKER, DONAHUE, T. DAVIS, PROBST, KAZEEM, KHAN, MERSKI AND GREEN, MAY 18, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 27, 2023

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in land banks, FURTHER <--
3 PROVIDING FOR ACQUISITION OF PROPERTY AND providing for
4 municipal acquisition of real property.

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

7 Section 1. Title 68 of the Pennsylvania Consolidated <--
8 Statutes is amended by adding a section to read:

9 SECTION 1. SECTION 2109 OF TITLE 68 OF THE PENNSYLVANIA <--
10 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
11 § 2109. ACQUISITION OF PROPERTY.

12 * * *

13 (I) JUST COMPENSATION.--A LAND BANK THAT ACQUIRES REAL
14 PROPERTY UNDER THIS SECTION SHALL PAY JUST COMPENSATION OF THE
15 APPRAISED VALUE OF THE REAL PROPERTY AT THE TIME OF THE TRANSFER
16 MINUS ANY FINES, LIENS OR REMEDIATION COSTS TO THE RECORD OWNER
17 OF THE REAL PROPERTY.

1 SECTION 2. TITLE 68 IS AMENDED BY ADDING A SECTION TO READ:

2 § 2122. Municipal acquisition of real property.

3 (a) Authorization.--A municipality may authorize a land bank
4 to acquire and redevelop real property if all of the following
5 apply:

6 (1) The property:

7 (i) is abandoned or vacant and blighted, except for
8 unimproved land, for five consecutive years; or

9 (ii) is abandoned or vacant and has been declared a
10 nuisance property by the municipality for five
11 consecutive years.

12 (2) The property has a record of building code
13 violations or has been in serious violation of municipal
14 ordinances, including tax delinquency.

15 (3) The municipality has attempted at least three
16 notifications by mail, including the first notification by
17 certified mail, to the owner of the property to remediate the
18 building code violations or ordinance violations.

19 (b) Notification.--If the abandonment or vacancy and blight
20 of the property continues after the requirements of subsection
21 (a)(1), (2) and (3) have been established, the municipality
22 shall notify the owner of the property by certified mail that
23 the property is subject to be designated as available for
24 acquisition through a land bank due to abandonment or vacancy
25 and blight. Ninety days after the notification under this
26 subsection has been delivered and if the owner has not requested
27 an appeal hearing, the municipality may designate the property
28 as available for acquisition through a land bank. Notification
29 under this subsection shall include information on the appeal
30 process established under subsection (c).

1 (c) Appeal.--An owner of a property may appeal the
2 designation of the property as available for acquisition through
3 a land bank. A municipality shall provide a property owner a
4 hearing. A municipality may:

5 (1) Grant an appeal if the owner of a property provides
6 the municipality with a plan for the use or redevelopment of
7 the property 30 days prior to an appeal hearing. The plan for
8 use or redevelopment shall include a timeline for
9 redevelopment, including scheduled dates when phases of the
10 redevelopment are planned to be completed, the proposed final
11 completion date, other information regarding the future plans
12 for the property and at least one of the following:

13 (i) actual or pending financing for redevelopment;
14 (ii) architectural drawings for redevelopment; or
15 (iii) a contract with a real estate developer,
16 contractor or other professional for use or redevelopment
17 of the property.

18 (2) If an appeal is granted and a redevelopment plan is
19 implemented, inspect a property at any time to ensure that
20 the redevelopment plan is being implemented. If an inspection
21 provides evidence that, without just cause, the redevelopment
22 plan is not being implemented or is failing to meet the
23 scheduled dates when phases of the redevelopment are planned
24 to be completed, the municipality may revoke the appeal and
25 designate the property as available for acquisition through a
26 land bank.

27 (3) If an owner provides evidence that an extension to a
28 redevelopment plan is warranted, grant extensions to the plan
29 in no more than six-month increments or designate the
30 property as available for acquisition through a land bank.

1 (d) Acquisition.--Following the designation of real property
2 as available for acquisition through a land bank, a land bank
3 may acquire the property under section 2109 (relating to
4 acquisition of property).

5 Section ~~2~~ 3. This act shall take effect in 60 days.

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