

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1808 Session of 2013

INTRODUCED BY MASSER, WHEATLEY, V. BROWN, GODSHALL, MILLARD, COHEN, MURT, GINGRICH, R. MILLER, PICKETT, GERGELY, SCHREIBER, ROSS, THOMAS, TAYLOR, GOODMAN, CLYMER, SWANGER, P. DALEY, READSHAW, HARHART, HARHAI, MUSTIO, K. BOYLE, NEILSON, DEASY AND W. KELLER, OCTOBER 29, 2013

REFERRED TO COMMITTEE ON URBAN AFFAIRS, OCTOBER 29, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
 2 Pennsylvania Consolidated Statutes, in limitation of time,  
 3 further providing for the period of limitation relating to  
 4 claims of adverse possession under certain circumstances; and  
 5 providing for uniform notice, for mesne profits and for  
 6 reimbursement.

7 The General Assembly of the Commonwealth of Pennsylvania  
 8 hereby enacts as follows:

9 Section 1. Title 42 of the Pennsylvania Consolidated  
 10 Statutes is amended by adding sections to read:

11 § 5527.1. Ten-year limitation.

12 (a) Adverse possession.--Title to real property may be  
 13 acquired after no less than ten years of actual, continuous,  
 14 exclusive, visible, notorious, distinct and hostile possession  
 15 of the real property.

16 (b) Contiguous lots.--

17 (1) Where an additional lot abuts and is contiguous to  
 18 real property and has been regularly used as part of and

1 incident to the real property, a possessor who seeks to  
2 acquire title to real property pursuant to this section may  
3 also include the contiguous lot in the action to quiet title  
4 under subsection (c).

5 (2) In order to acquire title to the contiguous lot, the  
6 possessor must show that:

7 (i) The area of the contiguous lot as described by  
8 the metes and bounds does not exceed a total area of  
9 one-half acre when combined with the real property.

10 (ii) The possessor has made actual, continuous,  
11 exclusive, visible, notorious, distinct and hostile  
12 possession of the contiguous lot for a period of not less  
13 than ten years.

14 (c) Quiet title action required.--

15 (1) A possessor who seeks to acquire title to real  
16 property pursuant to this section must, after meeting the  
17 requirements of subsections (a) and (b), commence a quiet  
18 title action and provide notice as required in this section.

19 (2) Notice of the action shall include information  
20 relating to the respondent's opportunity to cure as specified  
21 in subsection (d) and shall be provided to the record owners,  
22 their heirs, successors and assigns.

23 (3) Notice shall be provided in a form approved by rule  
24 of the Pennsylvania Supreme Court, which form shall include  
25 the metes and bounds description, deed reference, street  
26 address, postal zip code, uniform parcel identifier or tax  
27 parcel number and the notices of the one-year period to cure  
28 as stated in subsection (d).

29 (d) One-year notice.--

30 (1) The record owners or their heirs, successors and

1 assigns shall have one year in which to respond by commencing  
2 an action in ejectment against the possessor, which action  
3 disputes the claim of adverse possession.

4 (2) (i) If an action in ejectment is so filed and  
5 served in accordance with the requirements of this  
6 section and the verdict and judgment in the ejectment  
7 action are rendered in favor of the record owners, or  
8 their heirs, successors and assigns, then both the ten-  
9 year statute of limitations set forth in this section and  
10 the 21-year statute of limitations set forth in section  
11 5530 (relating to twenty-one year limitation) are tolled,  
12 and the court shall render a judgment in favor of the  
13 record owners, or their heirs, successors and assigns,  
14 disposing of the quiet title action.

15 (ii) The period for running the statute of  
16 limitations for any subsequent claim seeking title by  
17 adverse possession under this section or section 5530  
18 shall commence at a date not earlier than the date of the  
19 judgment granting the relief requested in the ejectment  
20 action.

21 (3) If no action in ejectment is so filed and served  
22 within the one-year period, then judgment may be entered by  
23 the court granting title to the real property by adverse  
24 possession pursuant to this section and the Pennsylvania  
25 Rules of Civil Procedure.

26 (4) A judgment granting title by adverse possession  
27 pursuant to this section shall not, in and of itself:

28 (i) discharge, terminate or give rise to a  
29 presumption of satisfaction or release of any interest in  
30 the property that runs with title to the property,

1 including, but not limited to, easements, profits,  
2 covenants, mortgages, liens, judgments and leases; or  
3 (ii) otherwise extend or limit the period of time in  
4 which claims relating to the property may be asserted  
5 against a possessor granted title by a judgment of  
6 adverse possession.

7 (e) Nonapplicability.--This section shall not apply to real  
8 property that is part of a common interest ownership community  
9 established under 68 Pa.C.S. Pt. II Subpts. B (relating to  
10 condominiums), C (relating to cooperatives) and D (relating to  
11 planned communities).

12 (f) Definition.--As used in this section, "real property"  
13 means real estate not exceeding one-half acre in area that is:

14 (1) Improved by a single-family dwelling that is and has  
15 been occupied by a possessor seeking title under this section  
16 for the full ten years.

17 (2) Identified as a separate lot in a recorded  
18 conveyance, recorded subdivision plan or recorded official  
19 map or plan of a municipality.

20 § 5527.2. Mesne profits.

21 (a) General rule.--Record owners, their heirs, successors  
22 and assigns shall have the right to seek any mesne profits in an  
23 action in ejectment filed in response to the notice served under  
24 section 5527.1 (relating to ten-year limitation) or waive the  
25 right to such recovery.

26 (b) Limitation on recovery.--Recovery shall be limited to  
27 the mesne profits applicable to the six-year period ending with  
28 the commencement of the action in ejectment pursuant to section  
29 5527(b) (relating to six year limitation).

30 § 5527.3. Reimbursement.

1       The defendant in the ejectment action pursuant to section  
2 5527.1 (relating to ten-year limitation) shall have the right to  
3 recover such costs for maintenance, improvements, repairs,  
4 renovations, taxes or other such expenses to benefit the real  
5 property as the defendant can prove by a preponderance of the  
6 evidence that were or should have been the responsibility of the  
7 record owners, their heirs, successors and assigns.

8       Section 2. Section 5530(a)(1) of Title 42 is amended to  
9 read:

10 § 5530. Twenty-one year limitation.

11       (a) General rule.--The following actions and proceedings  
12 must be commenced within 21 years:

13           (1) [An] Except as provided in section 5527.1 (relating  
14 to ten-year limitation), an action for the possession of real  
15 property.

16           \* \* \*

17       Section 3. This act shall take effect in one year.