

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2329 Session of  
2022

INTRODUCED BY STURLA, MERSKI, DeLUCA, HILL-EVANS, PARKER,  
McNEILL, N. NELSON, SANCHEZ, SCHLOSSBERG, DELLOSO, R. BROWN,  
NEILSON, CIRESI, WELBY AND CEPHAS, FEBRUARY 9, 2022

REFERRED TO COMMITTEE ON URBAN AFFAIRS, FEBRUARY 9, 2022

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in neighborhood blight reclamation and  
3 revitalization, providing for State blight data collection  
4 system.

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

7 Section 1. Chapter 61 of Title 53 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER C.1

10 STATE BLIGHT DATA COLLECTION SYSTEM

11 Sec.

12 6135.1. Definitions.

13 6135.2. Property Maintenance Code Violations Registry.

14 6135.3. Property maintenance code violation reports.

15 6135.4. Dissemination of information by department.

16 6135.5. Expungement.

17 6135.6. Administrative requirements.

18 6135.7. Audit.

1 6135.8. Imposition of surcharge.

2 6135.9. Duty of Attorney General.

3 § 6135.1. Definitions.

4 The following words and phrases when used in this subchapter  
5 shall have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Department." The Department of Community and Economic  
8 Development of the Commonwealth.

9 "Municipal claim." The term shall mean the same as defined  
10 in the act of May 16, 1923 (P.L.207, No.153), referred to as the  
11 Municipal Claim and Tax Lien Law.

12 "Registry." The Property Maintenance Code Violations  
13 Registry established under section 6135.2 (relating to Property  
14 Maintenance Code Violations Registry).

15 § 6135.2. Property Maintenance Code Violations Registry.

16 (a) Establishment.--The Property Maintenance Code Violations  
17 Registry is established. The department shall implement and  
18 administer the registry.

19 (b) Purpose.--The registry shall contain property  
20 maintenance code violation reports filed by municipalities under  
21 section 6135.3 (relating to property maintenance code violation  
22 reports).

23 § 6135.3. Property maintenance code violation reports.

24 (a) Duty to file report.--A municipality shall file a  
25 property maintenance code violation report for a person who owns  
26 real property within the municipality with current serious  
27 property maintenance code violations that remain unabated for at  
28 least 180 days.

29 (b) Forms provided.--Property maintenance code violation  
30 reports shall be made on forms provided by the department and

1 submitted electronically.

2 (c) Information included.--Property maintenance code  
3 violation reports shall include the following information:

4 (1) The name of the owner whose real property has been  
5 cited for a serious property maintenance code violation.

6 (2) If the real property is owned by a corporation,  
7 limited liability company or other business entity, the  
8 information on record at the Department of Transportation in  
9 connection with the driver's licenses for each officer of the  
10 corporation.

11 (3) The physical address and county of the real  
12 property.

13 (4) A description of the condition of the real property  
14 that resulted in the serious property maintenance code  
15 violation and substantial steps the owner has taken to  
16 correct the violation.

17 (5) The date of the original property maintenance code  
18 violation and subsequent follow-up inspections.

19 (6) The number of municipal claims or liens attached to  
20 the real property.

21 (7) The name of the municipality filing the report.

22 (d) Expungement.--A municipality that files a property  
23 maintenance code violation report shall follow the guidelines  
24 for expungement under section 6135.5 (relating to expungement).

25 (e) Failure to report compliance.--In the event that the  
26 appropriate State agency or municipality fails to issue a letter  
27 indicating either tax, water, sewer, refuse, State law or code  
28 compliance or noncompliance, within 45 days of the request, the  
29 property in question shall be deemed to be in compliance for the  
30 purposes of this section.

1 § 6135.4. Dissemination of information by department.

2 (a) Availability of information.--Information contained in a  
3 property maintenance code violation report shall be accessible  
4 for inspection and duplication in accordance with the act of  
5 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

6 (b) Requests by municipalities.--

7 (1) A municipality may request a copy of a property  
8 maintenance code violation report on a pending applicant for  
9 a municipal permit by submitting a property maintenance code  
10 violation report request form to the department or requesting  
11 the form electronically.

12 (2) The department shall disseminate a property  
13 maintenance code violation report relating to a municipal  
14 permit applicant to the requesting municipality within five  
15 business days of receipt of a property maintenance code  
16 violation report request from the municipality.

17 (3) The municipality shall notify an applicant in  
18 writing of the reasons for a decision that denies the  
19 applicant a municipal permit if the decision is based in  
20 whole or in part on information contained in the registry.

21 (c) Requests by Commonwealth.--

22 (1) A Commonwealth agency may request a copy of a  
23 property maintenance code violation report on a pending  
24 applicant for licensing or certification by submitting a  
25 property maintenance code violation report request form to  
26 the department or requesting the form electronically.

27 (2) The department shall disseminate a property  
28 maintenance code violation report relating to a State license  
29 or certification applicant to a requesting Commonwealth  
30 agency within two weeks of receipt of a property maintenance

1 code violation report request from the agency.

2 (3) The Commonwealth agency shall notify the applicant  
3 in writing of the reasons for a decision that denies the  
4 licensing or certification requested by the applicant if the  
5 decision is based in whole or in part on information  
6 contained in the registry.

7 (d) Hearing.--If requested by an applicant, a hearing shall  
8 be scheduled by the municipality or Commonwealth agency, as  
9 applicable, on:

10 (1) Appeal of a decision made as a result of municipal  
11 property maintenance code violation convictions under  
12 subsection (b) (3) or (c) (3).

13 (2) If the applicant can show cause why the municipal  
14 property maintenance code violation should not be considered,  
15 the municipal or Commonwealth agency shall reevaluate a  
16 request by the applicant for a municipal permit, State  
17 license or certification, as applicable.

18 (e) Record of dissemination.--The department shall maintain  
19 a listing of Commonwealth agencies and all municipalities that  
20 have requested information on a particular real property owner  
21 and the date on which the information was disseminated. This  
22 listing shall be maintained separate from the registry.

23 (f) Fee.--The department may not assess a fee for the  
24 dissemination of property maintenance code violation  
25 information.

26 § 6135.5. Expungement.

27 A municipality that files a report with the department shall  
28 subsequently notify the department when the real property is  
29 brought into code compliance. Upon notification by the  
30 municipality, the department shall include the information as

part of the official record for the specific property and owner of the real property.

§ 6135.6. Administrative requirements.

(a) Regulations.--The department shall establish procedures for the completeness and accuracy of information in the registry and shall promulgate the regulations necessary to carry out the department's duty of maintaining the registry.

(b) Forms.--The department shall develop property maintenance code violation report forms and property maintenance code violation report request forms, as well as procedures to obtain the information electronically.

(c) Security requirements.--The department shall maintain the confidentiality and security of the information contained in the registry by providing that:

(1) Procedures have been instituted to reasonably protect the registry from theft, fire, sabotage, flood, wind or other natural or manmade disasters.

(2) All personnel authorized to access registry information are selected, supervised and trained accordingly.

§ 6135.7. Audit.

(a) Duty of Auditor General.--The Auditor General shall conduct annual performance audits of registry operations for the first three years of the registry's existence and then every five years thereafter.

(b) Access to records.--The department shall provide auditors with access to all records, reports and listings required to conduct an audit of property maintenance code violations record information. Persons that have supervision of or are authorized to receive registry information shall cooperate with auditors and provide requested information.

1 (c) Contents of audit.--The audit shall report in writing  
2 deficiencies and recommendations for correcting the  
3 deficiencies. The department shall respond to the audit  
4 recommendations within a reasonable period of time unless the  
5 audit report is appealed to the Auditor General and the appeal  
6 is upheld.

7 (d) Modification of recommendations.--Upon appeal of the  
8 audit recommendations by the department, the Auditor General may  
9 modify corrective measures recommended by auditors.

10 § 6135.8. Imposition of surcharge.

11 A property owner that is in violation of a municipal property  
12 maintenance code for more than 90 days without an attempt by the  
13 property owner to remediate the violation shall be subject to a  
14 surcharge in the amount of \$500 for each inspection by a local  
15 codes official that reveals one or more municipal property  
16 maintenance code violations. The following apply to the  
17 surcharge:

18 (1) The surcharge shall be in addition to other  
19 applicable fees or charges lawfully collected by the  
20 municipality and court.

21 (2) The municipality shall collect the surcharge and  
22 remit all money to the department on a quarterly basis.

23 (3) Money generated by the surcharge shall be used to  
24 finance the Statewide implementation of the registry and to  
25 conduct training of the judiciary in accordance with 42  
26 Pa.C.S. § 1907 (relating to deteriorated real property  
27 education and training program for judges).

28 § 6135.9. Duty of Attorney General.

29 (a) Out-of-State property owners.--For a person who lives or  
30 has a principal place of residence outside this Commonwealth and

owns real estate property in this Commonwealth, upon written request by a municipality, the Attorney General may assist the municipality in pursuing compliance of the property owner in order to bring the property up to municipal code if:

(1) A serious code violation has been cited.

(2) The property owner is charged under 18 Pa.C.S. (relating to crimes and offenses).

(3) The property owner was properly notified of the violations.

(b) Remedies.--For a violation under subsection (a), the Attorney General may send a warning letter to the property owner or file a court proceeding on behalf of the municipality.

Section 2. This act shall take effect in 120 days.