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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE BILL

No. **750** Session of  
1961

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INTRODUCED BY MESSRS. WEINER AND SILVERT,  
JUNE 7, 1961.

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT,  
JUNE 7, 1961.

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## AN ACT

Amending the act of July 27 1955 (P L 288) entitled as amended

“An act making it unlawful for owners of certain property in cities of the first class and in cities of the second class to sell or agree to sell such property without first delivering to the purchaser a certification of the District classification and requiring such owners to insert in any agreement of sale of such property a statement concerning zoning classification and legality of the use of such property and providing penalties for

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underlining indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

violations" requiring certification and disclosure of outstanding notices of fire and housing ordinance violations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 The title and sections 1 2 3 and 3.1 act of July 27 1955  
2 (P L 288) entitled as amended "An act making it unlawful for owners  
3 of certain property in cities of the first class and in cities of the second  
4 class to sell or agree to sell such property without first delivering to  
5 the purchaser a certification of the District classification and requiring  
6 such owners to insert in any agreement of sale of such property a  
7 statement concerning zoning classification and legality of the use of  
8 such property and providing penalties for violations" reenacted and  
9 amended May 11 1959 (P L 303) are amended to read

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An Act

11 Making it unlawful for owners of certain property in cities of the  
12 first class and in cities of the second class to sell or agree to  
13 sell such property without first delivering to the purchaser a  
14 certification of the District classification and without first de-  
15 livering a certification disclosing any notice of an uncorrected  
16 violation of any housing or fire ordinance and requiring such

1 owners to insert in any agreement of sale of such property a  
2 statement concerning zoning classification [and] legality of the  
3 use of such property and in addition thereto a statement con-  
4 cerning uncorrected violations of housing or fire ordinances  
5 and providing penalties for violations

6 Section 1 Legislative Findings

7 (a) The General Assembly finds that in cities of the first class and  
8 in cities of the second class many owners of properties are using such  
9 properties in violation of the zoning ordinances and regulations of such  
10 cities and are maintaining such properties in violation of housing and  
11 fire ordinances and regulations and are offering such properties for  
12 sale without revealing such illegal use or the receipt of notice of the  
13 existence of housing and fire violations Many innocent purchasers of  
14 such properties are not aware of the illegal use or the existence of the  
15 nature of violations until they have entered into agreements of sale  
16 or have consummated the purchase

17 (b) In order to prevent undue hardships and losses imposed on  
18 such innocent purchasers by owners who have failed to reveal the  
19 illegal use of the property being conveyed or who have made misrepre-  
20 sentations in that regard the General Assembly finds and declares that

1 in cities of the first class and in cities of the second class all sellers  
2 of property shall be required to advise the purchaser of the legal use  
3 of such property and to deliver to the purchaser not later than at the  
4 settlement held for such property a use registration permit showing  
5 the legal use and zoning classification for such property

6 (c) In order to prevent undue hardship and losses imposed on an  
7 innocent purchaser by an owner who has failed to disclose to a prospec-  
8 tive purchaser of property that a notice has been received that such  
9 property is in violation of housing or fire ordinances or regulations  
10 the General Assembly finds and declares that all sellers of property  
11 shall be required to advise purchasers of any notice received by the  
12 owners of any violation of any housing or fire ordinance or regulation  
13 with respect to the property to be sold

14 Section 2 Definitions

15 (a) "Owner" means any person co-partnership association corpora-  
16 tion or fiduciary having legal or equitable title or any interest in any  
17 real property Whenever used in any clause prescribing or imposing a  
18 penalty the term owner as applied to co-partnerships and associations  
19 shall mean the partners or members thereof and as applied to corpora-  
20 tions the officers thereof

1 (b) "Property" means any building or structure situate in any city  
2 of the first class or situate in any city of the second class except build-  
3 ings or structures used designed or intended to be used exclusively  
4 for single family or two-family occupancy churches or other places of  
5 religious worship except that for the purpose of certification or state-  
6 ments regarding notices of housing or fire violations the word "prop-  
7 erty" shall include all buildings or structures

8 (c) "Agreement of sale" means any agreement or written instru-  
9 ment which provides that title to any property shall thereafter be trans-  
10 ferred from one owner to another owner and shall include inter alia  
11 written leases which contain options to purchase the leased property  
12 and leases which provide that the lessee of the property shall acquire  
13 title thereto after the payment of a stipulated number of regular rent  
14 payments or after a stipulated period of time

15 Section 3 Certificates [of Zoning Classification]

16 (a) In any city of the first class and in any city of the second class  
17 it shall be unlawful for any owner to sell his property or any interest  
18 therein unless the owner shall first deliver to the purchaser at or prior  
19 to the time for settlement a certification of the District classification

1 issued by the appropriate city officer indicating the zoning classification  
2 and the legality of the existing use of the property to be sold

3 (b) It shall be unlawful for an owner to sell his property or any  
4 interest therein unless the owner shall first deliver to the purchaser at  
5 or prior to the time for settlement a certificate issued by the appropri-  
6 ate city official disclosing whether there exists any notice of an uncor-  
7 rected violation of the housing or fire ordinances

8 Section 3.1 Agreements of Sale

9 (a) Every owner shall insert in every agreement for the sale of  
10 property a provision showing the zoning classification of such property  
11 and stating whether the present use of the property is in compliance  
12 with or in violation of zoning laws and ordinances and every owner  
13 shall insert in every agreement for the sale of property a provision  
14 disclosing whether there exists any notice of an uncorrected violation  
15 of the housing or fire ordinances

16 (b) If any owner fails to include [such a] any provision required  
17 by this act in an agreement for the sale of property then in any action at  
18 law or in equity instituted by a purchaser against an owner it shall be  
19 conclusively presumed that the owner at the time of the signing of such  
20 agreement represented and warranted to the purchaser that such prop-

1 erty was being used in compliance with the then existing zoning laws  
 2 and ordinances and that there was no uncorrected violation of the hous-  
 3 ing or fire ordinances

4 Section 2 This act shall take effect immediately

We certify that this bill has passed the Senate and the House of  
 Representatives.

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 Chief Clerk, Senate

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 President pro tempore, Senate

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 Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

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 Governor