
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **750** Session of
1961

MESSRS. WEINER AND SILVERT, IN PLACE,
JUNE 7, 1961.

AS AMENDED ON THIRD READING, AUGUST 1, 1961.

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. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

violations" requiring certification and disclosure of outstanding notices of fire BUILDING SAFETY 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

10

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

1 violation of any housing BUILDING SAFETY or fire ordinance and
2 requiring such owners to insert in any agreement of sale of such prop-
3 erty a statement concerning zoning classification [and] legality of the
4 use of such property and in addition thereto a statement concerning
5 uncorrected violations of housing BUILDING SAFETY or fire ordi-
6 nances and providing penalties for violations

7 Section 1 Legislative Findings

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

19 (b) In order to prevent undue hardships and losses imposed on
20 such innocent purchasers by owners who have failed to reveal the

1 illegal use of the property being conveyed or who have made misrepre-
2 sentations in that regard the General Assembly finds and declares that
3 in cities of the first class and in cities of the second class all sellers
4 of property shall be required to advise the purchaser of the legal use
5 of such property and to deliver to the purchaser not later than at the
6 settlement held for such property a use registration permit showing
7 the legal use and zoning classification for such property.

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

17 Section 2 Definitions

18 (a) "Owner" means any person co-partnership association corpora-
19 tion or fiduciary having legal or equitable title or any interest in any

1 real property Whenever used in any clause prescribing or imposing a
2 penalty the term owner as applied to co-partnerships and associations
3 shall mean the partners or members thereof and as applied to corpora-
4 tions the officers thereof

5 (b) "Property" means any building or structure situate in any city
6 of the first class or situate in any city of the second class except build-
7 ings or structures used designed or intended to be used exclusively
8 for single family or two-family occupancy churches or other places of
9 religious worship except that for the purpose of certification or state-
10 ments regarding notices of housing BUILDING SAFETY or fire viola-
11 tions the word "property" shall include all buildings or structures

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

19 Section 3 Certificates [of Zoning Classification]

1 (a) In any city of the first class and in any city of the second class
2 it shall be unlawful for any owner to sell his property or any interest
3 therein unless the owner shall first deliver to the purchaser at or prior
4 to the time for settlement a certification of the District classification
5 issued by the appropriate city officer indicating the zoning classification
6 and the legality of the existing use of the property to be sold

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

12 Section 3.1 Agreements of Sale

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

20 (b) If any owner fails to include [such a] any provision required

1 by this act in an agreement for the sale of property then in any action at
 2 law or in equity instituted by a purchaser against an owner it shall be
 3 conclusively presumed that the owner at the time of the signing of such
 4 agreement represented and warranted to the purchaser that such prop-
 5 erty was being used in compliance with the then existing zoning laws
 6 and ordinances and that there was no uncorrected violation of the hous-
 7 ing BUILDING SAFETY or fire ordinances

8 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