

No. 651

## AN ACT

Regulating the procedure for petitioning a court to order a safety deposit box opened in furtherance of a criminal investigation or proceeding.

Safe deposit boxes.

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

In criminal investigation and proceeding, upon petition, any court may order opening of safe deposit box under certain procedural conditions.

Section 1. Except as herein provided, during any criminal investigation or criminal proceeding when a petition is filed with any court for an order to open a safe deposit box, whether such petition is filed by a police official or any other person, the court shall not issue any such order until at least forty-eight hours after notice of the filing of such petition and a certified copy of said petition has been served upon the holder or holders of the safe deposit box. The petition shall set forth the date and time and place when the holder or holders of said safe deposit box may have an opportunity to appear in court for the purpose of answering the petition to show cause why the safe deposit box should not be opened. If the person filing such petition shall, by affidavit, advise the court that the holder or holders of said safe deposit box cannot be located, then the court may issue such order for the opening of said safe deposit box without the notice required by this act. The court shall have the power to order the said safe deposit box sealed pending the disposition of the petition and to enjoin the holder or holders of said safe deposit box from opening or permitting the opening of the box except as directed by the court. This act is hereby declared to be procedural and it is not intended to affect the substantive rights of holders of safe deposit boxes.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 20th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 652

## 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 classifica-

tion and legality of the use of such property; and providing penalties for 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:

Cities of the first and second classes.

Section 1. The title and sections 1, 2, 3 and 3.1, 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 violations," reenacted and amended May 11, 1959 (P. L. 303), are amended to read:

Title and sections 1, 2, 3, and 3.1, act of July 27, 1955, P. L. 288, reenacted and amended May 11, 1959, P. L. 303, further 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 without first delivering a certification disclosing any notice of an uncorrected violation of any housing, building, safety, or fire ordinance*; 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, in addition thereto, a statement concerning uncorrected violations of housing, building, safety or fire ordinances*; and providing penalties for violations.

New title.

#### Section 1. Legislative Findings.—

(a) The General Assembly finds that in cities of the first class and in cities of the second class many owners of properties are using such properties in violation of the zoning ordinances and regulations of such cities, *and are maintaining such properties in violation of housing, building, safety, and fire ordinances and regulations*, and are offering such properties for sale without revealing such illegal use *or the receipt of notice of the existence of housing, building, safety and fire violations*. Many innocent purchasers of such properties are not aware of the illegal use *or the existence of the nature of violations* until they have entered into agreements of sale or have consummated the purchase.

(b) In order to prevent undue hardships and losses imposed on such innocent purchasers by owners who

have failed to reveal the illegal use of the property being conveyed or who have made misrepresentations in that regard, the General Assembly finds and declares that in cities of the first class and in cities of the second class all sellers of property shall be required to advise the purchaser of the legal use of such property, and to deliver to the purchaser not later than at the settlement held for such property a use registration permit showing the legal use and zoning classification for such property.

*(c) In order to prevent undue hardship and losses imposed on an innocent purchaser by an owner who has failed to disclose to a prospective purchaser of property that a notice has been received that such property is in violation of housing, building, safety or fire ordinances or regulations, the General Assembly finds and declares that all sellers of property shall be required to advise purchasers of any notice received by the owners of any violation of any housing, building, safety or fire ordinance or regulation with respect to the property to be sold.*

#### Section 2. Definitions.—

(a) "Owner" means any person, co-partnership, association, corporation or fiduciary having legal, or equitable title, or any interest in any real property. Whenever used in any clause, prescribing or imposing a penalty, the term owner, as applied to co-partnerships and associations, shall mean the partners, or members thereof, and as applied to corporations, the officers thereof.

(b) "Property" means any building or structure situate in any city of the first class or situate in any city of the second class, except buildings or structures used, designed or intended to be used, exclusively, for single family or two-family occupancy, churches or other places of religious worship, *except that for the purpose of certification or statements regarding notices of housing, building, safety or fire violations, the word "property" shall include all buildings or structures.*

(c) "Agreement of sale" means any agreement, or written instrument, which provides that title to any property shall thereafter be transferred from one owner to another owner, and shall include inter alia written leases which contain options to purchase the leased property, and leases which provide that the lessee of the property shall acquire title thereto after the payment of a stipulated number of regular rent payments or after a stipulated period of time.

#### Section 3. Certificates [of Zoning Classification].—

(a) In any city of the first class and in any city of

the second class it shall be unlawful for any owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certification of the District classification, issued by the appropriate city officer indicating the zoning classification and the legality of the existing use of the property to be sold.

*(b) It shall be unlawful for an owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certificate issued by the appropriate city official disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances.*

Section 3.1. Agreements of Sale.—

(a) Every owner shall insert in every agreement for the sale of property a provision showing the zoning classification of such property, and stating whether the present use of the property is in compliance with or in violation of zoning laws and ordinances, *and every owner shall insert in every agreement for the sale of property a provision disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances.*

(b) If any owner fails to include [such a] *any provision required by this act* in an agreement for the sale of property, then in any action, at law or in equity, instituted by a purchaser against an owner, it shall be conclusively presumed that the owner at the time of the signing of such agreement, represented and warranted to the purchaser that such property was being used in compliance with the then existing zoning laws and ordinances, *and that there was no uncorrected violation of the housing, building, safety or fire ordinances.*

Section 2. This act shall take effect immediately.

Act effective  
immediately.

APPROVED—The 20th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 653

AN ACT

Amending the act of June 1, 1959 (P. L. 350), entitled "An act relating to the retirement of public school employes; amending, revising, consolidating and changing the laws relating thereto," providing retirement credit for sabbatical leaves of absence.

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

Public School  
Employes' Retirement  
Code of  
1959.