

No. 121

AN ACT

SB 1011

Amending the act of July 27, 1955 (P.L.288, No.104), 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 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, 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," making the act available to cities of the third class.

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

Section 1. The title and the act of July 27, 1955 (P.L.288, No.104), 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 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, 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," reenacted May 11, 1959 (P.L.303, No.51) and the title and sections 1, 2, 3 and 3.1, amended September 20, 1961 (P.L.1532, No.652), are reenacted and amended to read:

AN ACT

Making it unlawful for owners of certain property in cities of the first class, **[and in] cities of the second class and in cities of the third class adopting the provisions of this act**, 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, 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.

Section 1. Legislative Findings.—

(a) The General Assembly finds that in cities of the first class and in

cities of the second class *and in cities of the third 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 *and in cities of the third class adopting the provisions of this act*, 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.

(d) The provisions of this act may apply to cities of the third class only if council so elects.

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, *or situate in any city of the third class electing to adopt the provisions of this act*, 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.—

(a) In any city of the first class, **[and in]** any city of the second class *or in a city of the third class which has adopted the provisions of this act* 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 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 4. Non-Conforming Uses.—

A certificate from the appropriate city officer certifying that the property has been approved or designated as a non-conforming use shall be deemed compliance with this act.

Section 5. Penalties.—

Any owner who violates the provisions of section 3 of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars, or undergo imprisonment for not more than one year, or both.

Section 2. This act shall take effect immediately.

APPROVED—The 28th day of November, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 121.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large, prominent initial "C".

Secretary of the Commonwealth.