

No. 1980-98

AN ACT

SB 316

Amending the act of July 7, 1947 (P.L.1368, No.542), entitled "An act amending, revising and consolidating the laws relating to delinquent county, city, except of the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall be allowed for such taxes, the return and entering of claims therefor; the collection and adjudication of such claims, sales of real property, including seated and unseated lands, subject to the lien of such tax claims; the disposition of the proceeds thereof, including State taxes and municipal claims recovered and the redemption of property; providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property, and the proceedings therefor; creating a Tax Claim Bureau in each county, except a county of the first class, to act as agent for taxing districts; defining its powers and duties, including sales of property, the management of property taken in sequestration, and the management, sale and disposition of property heretofore sold to the county commissioners, taxing districts and trustees at tax sales; providing a method for the service of process and notices; imposing duties on taxing districts and their officers and on tax collectors, and certain expenses on counties and for their reimbursement by taxing districts; and repealing existing laws," further providing for returns by collectors in certain cases, and providing for notices prior to sales and confirmation of sales.

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

Section 1. Section 102, act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law," is amended by adding a definition to read:

Section 102. Definitions.—As used in this act, the following words shall be construed as herein defined, unless the context clearly indicates otherwise:

* * *

"Owner Occupant," the owner of all property which has improvements constructed thereon and for which the annual tax bill is mailed to the owner at the same address as that of the property.

* * *

Section 2. Subsection (a) of section 306 of the act, amended September 27, 1973 (P.L.264, No.74), is amended to read:

Section 306. Return of Property and Delinquent Taxes; Interest; Settlements by Tax Collectors.—

(a) It shall be the duty of each receiver or collector of any county, city, borough, town, township, school district or institution district taxes, to make a return to the county bureau on or before the first Monday of [May] *April* of each year, a list of all properties against

which taxes were levied, the whole or any part of which were due and payable in the calendar year immediately preceding which remain unpaid, giving the description of each such property, as it appears in the tax duplicate, together with the amount of such unpaid taxes, penalties and interest due to but not including the first Monday of **[May] April** of the year of return. Interest shall be charged on taxes so returned from and after the first Monday of **[May] April** of the year of return at the rate of six per centum (6%) per annum.

* * *

Section 3. Section 308 of the act, amended September 15, 1961 (P.L.1334, No.589) and August 26, 1965 (P.L.386, No.201), is amended to read:

Section 308. Notice of Filing of Returns and Entry of Claim.—
(a) Not later than the thirty-first day of July of each year, or for the first year a county operates under this act, not later than the thirty-first day of October, or whenever, heretofore, any claims have been returned to and a claim entered with the tax claim bureau and the same has not been pursued to sale as provided for by the act of Assembly, then within six (6) months after the effective date of this act, the bureau shall give notice of the return of said taxes and the entry of such claim to each delinquent taxable, by United States registered mail or United States certified mail, return receipt requested, postage prepaid, addressed to the owner personally at his last known post office address. If the owner of the property is unknown and has been unknown for a period of not less than ten years, such notice shall be given only by posting on the property affected. **[In the case of a mobilehome or house trailer subject to real property tax, a copy of such notice shall at the same time and in like manner be sent to the encumbrance holders of record.]** If no post office address of the owner is known or if a notice mailed to an owner at such last known post office address is not delivered to him by the postal authorities, then notice as herein provided shall immediately be posted on the property affected. Each mailed and posted notice shall, (1) show all the information shown on the claim entered, (2) state that if payment of the amount due the several taxing districts for said taxes is not made to the bureau on or before the thirty-first day of December next following, in cases where the notice was mailed prior to August first, or that if payment is not made on or before March thirty-first of the following year, in cases where the notice was mailed on or after August first, or no exceptions thereto filed, the said claim shall become absolute, (3) state that on July first of the year in which such notice is given or if the notice was mailed after July thirty-first, that on the first day of the month (naming it) in which the notice was mailed the one (1) year period of redemption shall commence or has commenced to run, and that if redemption is not made during that period as provided by this act, the property shall be sold **[at judicial sale] pursuant to the provisions of this act** and there shall be no further redemption after such sale.

(b) In the case of claim for taxes, filed in the office of the prothonotary, which have not been heretofore reduced to judgment, where the lien of such claim has not been lost, the respective taxing districts shall return to the bureau on or before the first Monday of May, one thousand nine hundred forty-eight, or on or before the first Monday of June of any year in which any city of the third class or any county shall elect to collect its delinquent taxes in accordance with this act, a complete list of such claims and the properties against which the same are filed, and the bureau shall give such owners the same notice as above provided or shall post such notice on the property.

(c) Notice given in the manner provided by this section shall constitute proper service on the owner. A statement in the claim entered that due notice of the same was given shall be conclusive evidence that notice was given as required by law. *The notice given in the manner provided by this section shall contain the following provision which shall be conspicuously placed upon said notice and set in at least 10-point type in a box as follows:*

WARNING

“IF YOU FAIL TO PAY THIS TAX CLAIM OR TAKE LEGAL ACTION TO CHALLENGE THIS TAX CLAIM, YOUR PROPERTY WILL BE SOLD WITHOUT YOUR CONSENT AS PAYMENT FOR THESE TAXES. YOUR PROPERTY MAY BE SOLD FOR A SMALL FRACTION OF ITS FAIR MARKET VALUE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL YOUR ATTORNEY, THE TAX CLAIM BUREAU AT THE FOLLOWING TELEPHONE NUMBER _____, OR THE LEGAL AID SERVICE AT THE FOLLOWING TELEPHONE NUMBER _____.”

(d) The costs of such mailed and posted notices shall be taxed as part of the costs of the proceedings and shall be paid by the owner the same as other costs.

Section 4. Subsection (a) of section 601 of the act, amended August 26, 1965 (P.L.386, No.201), is amended to read:

Section 601. Date of Sale.—(a) Commencing on the second Monday of September of each year or for the first year any county is operating under the provisions of this act, at the bureau's discretion, commencing on the second Monday of October, and for the first sale conducted under this act by a bureau, where claims have been validated in accordance with the provisions of this act, at the bureau's discretion, commencing on the second Monday of October, following the expiration of the redemption period, or on any day to which a sale may be adjourned, or readjourned, such adjournment not to be for a longer period than sixty (60) days, or any day to which a sale may be continued, the bureau shall sell such property (except where the property is essential to the business of quasi-public corporations), or where held by the bureau under article seven as agent for the various taxing

(c) The description may be given intelligible abbreviations.

(d) Such published notice shall be addressed to the "owners of properties described in this notice and to all persons having tax liens, tax judgments or municipal claims against such properties."

(e) In addition to such publications, similar notice of the sale shall also be given by the bureau[, at least ten (10)] *as follows:*

(1) *At least thirty (30) days before the date of the sale, by United States certified mail, personal addressee only, return receipt requested, postage prepaid, to each owner as defined by this act. [and by posting on the property.]*

(2) *If return receipt is not received from each owner pursuant to the provisions of clause (1), then, at least ten (10) days before the date of the sale, similar notice of the sale shall be given to each owner who failed to acknowledge the first notice by United States certified mail, personal addressee only, return receipt requested, postage prepaid, at his last known post office address by virtue of the knowledge and information possessed by the bureau, by the tax collector for the taxing district making the return and by the county office responsible for assessments and revisions of taxes. It shall be the duty of the bureau to determine the last post office address known to said collector and county assessment office.*

(3) *Each property scheduled for sale shall be posted at least ten (10) days prior to the sale.*

(f) The published notice, the mail notice and the posted notice shall each state that the sale of any property may, at the option of the bureau, be stayed if the owner thereof or any lien creditor of the owner on or before the date of sale enters into an agreement with the bureau to pay the taxes in instalments, in the manner provided by this act, and the agreement entered into.

(g) *All notices required by this section other than the newspaper notice and notice in the legal journal shall contain the following provision which shall be conspicuously placed upon said notices and set in at least 10-point type in a box as follows:*

WARNING

"YOUR PROPERTY IS ABOUT TO BE SOLD WITHOUT YOUR CONSENT FOR DELINQUENT TAXES. YOUR PROPERTY MAY BE SOLD FOR A SMALL FRACTION OF ITS FAIR MARKET VALUE. IF YOU HAVE ANY QUESTIONS AS TO WHAT YOU MUST DO IN ORDER TO SAVE YOUR PROPERTY, PLEASE CALL YOUR ATTORNEY, THE TAX CLAIM BUREAU AT THE FOLLOWING TELEPHONE NUMBER _____, OR THE LEGAL AID SERVICE AT THE FOLLOWING TELEPHONE NUMBER _____."

(h) In case the property of any corporation, limited partnership or joint-stock association is advertised for sale, the bureau shall give to the Department of Revenue the notice required by section one

thousand four hundred two of the Fiscal Code of the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 343).

No sale shall be defeated and no title to property sold shall be invalidated because of proof that mail notice as herein required was not received by the owner, provided such notice was given as prescribed by this section.

(i) The costs of such advertisement and notices shall be taxed as part of the costs of such proceedings and shall be paid by the owner the same as other costs.

Section 6. Section 607 of the act is amended by adding a subsection to read:

Section 607. Bureau's Return to Court; Notice; Confirmation; Appeal.— * * *

(a.1) (1) Notice shall be given by the bureau within thirty (30) days of the sale to each owner by United States certified mail, personal addressee only, return receipt requested, postage prepaid, to each owner at his last known post office address as determined in section 602(e)(2) that the property was sold and that the owner has within sixty (60) days from the date of the mailing of the notice to file objections with the court relating to the regularity and procedures followed during the sale.

(2) All notices required by this subsection shall contain the following provisions and be in the following form set in at least 10-point type in a box as follows:

WARNING

**"YOUR PROPERTY HAS BEEN SOLD AT A TAX SALE
ON _____ FOR THE COLLECTION FOR DELIN-
QUENT TAXES INCURRED IN _____.**

**YOU HAVE SIXTY (60) DAYS FROM THE DATE OF
MAILING OF THIS NOTICE TO QUESTION THE RIGHT
OF THE BUREAU TO CONDUCT THE SALE BECAUSE
OF A FAILURE ON THE BUREAU'S PART TO COMPLY
WITH THE LAW.**

**IF YOU HAVE ANY QUESTIONS PLEASE CALL YOUR
ATTORNEY, THIS TAX CLAIM BUREAU AT THE
FOLLOWING TELEPHONE NUMBER _____, OR THE
LEGAL AID SERVICE AT THE FOLLOWING TELE-
PHONE NUMBER _____."**

(3) No sale shall be defeated and no title to property sold shall be invalidated because of proof that the mail notice as herein required was not received by the owner, provided that such notice was given as prescribed by this section.

* * *

Section 7. Except for section 1 of this act relating to definitions and section 4 of this act relating to section 601(a) which shall take effect immediately, the remainder of this act shall take effect January 1, 1981.

APPROVED—The 10th day of July, A. D. 1980.

DICK THORNBURGH