

No. 1999-24

AN ACT

SB 496

Conferring limited eminent domain power upon certain economic development financing authorities.

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

Section 1. Short title.

This act shall be known and may be cited as the Economic Development Eminent Domain Law.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Authority.” A public instrumentality of the Commonwealth and a body politic and corporate created pursuant to section 4 of the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law, having a principal place of business in a second class A county and having jurisdiction over at least one closed military facility comprising in excess of 500 acres.

“Blighted area.” Includes any of the following:

(1) Any premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.

(3) Any dwelling which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.

(4) Any structure which is a fire hazard or is otherwise dangerous to the safety of persons or property.

(5) Any structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood which by reason of neglect or lack

of maintenance has become a place for accumulation of trash and debris or a haven for rodents or other vermin.

(7) Any unoccupied property which has been tax delinquent for a period of two years.

(8) Any property which is vacant but not tax delinquent which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

(9) Any property which is part of a closed military facility and which requires extensive infrastructure and other building improvements to be fit for its intended commercial or industrial reuse.

“Residential and related use.” Includes residential property for sale or rental and related uses, including, but not limited to, park and recreation areas, neighborhood community service and neighborhood parking lots.

Section 3. Eminent domain.

(a) Power conferred.—In addition to the powers contained in the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law, an authority shall have the power to acquire by eminent domain any real property and fixtures appurtenant thereto within the borders of a former military facility for the purposes set forth in this act.

(b) Title to property.—Title to property acquired by an authority through eminent domain pursuant to this act shall be an absolute or fee simple title unless a lesser title shall be designated in the eminent domain proceedings. If any of the real property to be acquired has, prior to acquisition, been devoted to another public use, it may nevertheless be acquired by condemnation, except that no real property belonging to a political subdivision or to the Commonwealth may be acquired without the consent of the political subdivision or the Commonwealth. No real property belonging to a public utility corporation may be acquired without the approval of the Public Utility Commission.

Section 4. Blighted property.

(a) General rule.—In addition to the powers contained in the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law, and subject to section 3 of this act, an authority shall have the power to acquire, by purchase, gift, bequest, eminent domain or otherwise, blighted areas located either within or outside of a certified redevelopment area. An authority also shall have the power to hold, clear, manage and dispose of blighted areas for residential and related reuse and for commercial or industrial reuse. This power shall be exercised in accord with the procedures set forth in this act.

(b) Property review committee.—The power conferred in subsection (a) shall be conditioned upon creation or existence of a property review committee by resolution of the governing body of the county where the property is located, and the review committee shall be responsible for determining whether the property constitutes a blighted area. The committee shall be made up of members as determined in the resolution but shall

include at least one member of the governing body of the county, a representative of the authority, a representative of the appropriate county planning commission and a representative to be designated by the chief executive officer or officers from the executive branch of the government of the municipality.

(c) Rules for certification.—The property review committee, upon making a determination that any area is blighted, must certify the blighted area to the authority, except that:

(1) No property shall be certified to the authority unless it is vacant or substantially vacant.

(2) No property shall be certified to the authority unless the owner of the property or an agent designated by the owner for receipt of service of notices has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under this act. The notice shall be served upon the owner or his agent in accord with the provisions of a local ordinance pertaining to service of notice of determination of a public nuisance. The owner or his agent shall have the right of appeal from the determination in the same manner as an appeal from the determination of public nuisance.

(3) No blighted area shall be certified to the authority until the time period for appeal has been expressly waived or has expired and no appeal has been taken or, if an appeal has been taken, until the appeal has been disposed of and the owner or his agent has failed to comply with the order of the responsible department, officer or agency.

(d) Resolution required.—Power of eminent domain shall be exercised pursuant to a resolution of the authority and the procedure set forth in the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code.

Section 5. Effective date.

This act shall take effect immediately.

APPROVED—The 25th day of June, A.D. 1999.

THOMAS J. RIDGE