

No. 2000-99

## AN ACT

SB 997

Requiring purchasers of real estate with buildings thereon to bring the buildings into compliance with municipal codes; providing for nuisance abatement; and imposing penalties.

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 Municipal Code and Ordinance Compliance Act.

**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:

“Constructive knowledge.” Knowledge of a violation listed on the seller’s property disclosure statement made pursuant to the act of July 2, 1996 (P.L.500, No.84), known as the Real Estate Seller Disclosure Act, a violation appearing on a buyer’s notification certificate provided by a municipality or a violation that is a matter of public record.

“Date of purchase.” The closing date or, in cases where the property is sold pursuant to the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, the first day following the right of redemption period authorized under the Municipal Claim and Tax Lien Law.

“Known to have.” Knowledge of a violation based on actual or constructive knowledge.

“Municipality.” Any city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality or any similar general purpose unit of government which may be created or authorized by statute.

“Substantial violation.” A violation of a building, housing, property maintenance or fire code, which violation posed a threat to health, safety or property but not a violation of such a code deemed by a court to be de minimis.

**Section 3. Compliance requirement.**

(a) General rule.—Within 18 months of the date of purchase or longer subject to an agreement between the purchaser and the municipality, any purchaser of any building, structure or part of a building or structure known to have one or more substantial violations of municipal codes relating to building, housing, property maintenance or fire shall:

(1) bring the building, structure or that part of a building or structure into compliance with those codes; or

(2) demolish the building or structure in accordance with law.

(b) Penalty.—Failure to comply with the requirements of subsection (a) shall result in the purchaser being personally liable for the costs of repairs or demolition and a fine of not less than \$1,000 and not more than \$10,000. Fines shall be remitted to the municipality in which the building, structure or part of a building or structure is located. In municipalities with low-income housing, not less than one-third of the fine imposed shall be used by the municipality for low-income housing in a manner determined by the municipality.

(c) Nuisance ordinances.—

(1) Any purchaser of any lot or parcel of land known to have one or more substantial violations of municipal nuisance ordinances relating to maintenance, health or safety is required to make a reasonable attempt to abate the nuisance within one year of the date of purchase.

(2) Failure to comply with the requirements of this subsection shall result in the purchaser being personally liable for the cost of maintenance and a fine of not less than \$1,000 and not more than \$10,000. Fines shall be remitted to the municipality in which the lot or parcel of land is located.

(d) Enforcement.—Local municipalities are authorized to enforce the provisions of this section.

(e) Coordination with other requirements.—In connection with the purchase of a building, structure, part of a building or structure, lot or parcel of land subject to subsection (a) or (c), a municipality shall not refuse to issue a use and occupancy certificate or similar permit on the basis of a substantial violation or require the correction of a substantial violation as a condition to issuing a use and occupancy certificate or similar permit unless the substantial violation renders the property unfit for habitation.

Section 4. Effective date.

This act shall take effect in 60 days.

APPROVED—The 20th day of December, A.D. 2000.

THOMAS J. RIDGE