

No. 89

AN ACT

HB 1690

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, 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," making the act available to cities of the second class A, boroughs, towns and townships.

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

Section 1. The title, section 1, subsection (b) of section 2, section 3 and section 4, 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, 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," reenacted and amended November 28, 1973 (P.L.348, No.121), are amended to read:

AN ACT

Making it unlawful for owners of certain property in cities of the first class, cities of the second class and in cities of the **[third class] second class A, cities of the third class, boroughs, towns and townships** 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] municipalities throughout the Commonwealth** many owners of properties are using such properties in violation of the zoning ordinances and regulations of such **[cities] municipalities**, 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, cities of the second class and in cities of the **[third class] second class A, cities of the third class, boroughs, towns, townships of the first class and townships of the second 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] of the second class A, cities of the third class, boroughs, towns, townships of the first class and townships of the second class only if the governing bodies of such municipalities so elect.**

Section 2. Definitions.—

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(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] other municipality eligible and** 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.

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Section 3. Certificates.—

(a) In any city of the first class, any city of the second class or in [a city of the third class] *any city of the second class A, city of the third class, borough, town, township of the first class or township of the second 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] *municipal* 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] *municipal* official disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances.

Section 4. Non-Conforming Uses.—

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

Section 2. This act shall take effect immediately.

APPROVED—The 23rd day of June, A. D. 1976.

MILTON J. SHAPP