

No. 1979-42

AN ACT

HB 224

Amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), entitled "An act to codify, amend, revise and consolidate the laws relating to eminent domain," further providing for measure of damages; defining certain mobile homes as real property and adding a definition.

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

Section 1. Section 201, act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," is amended by adding a definition to read:

Section 201. Definitions.—The following words, when used in this act, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

* * *

(12) "Natural disaster" means a natural disaster officially declared as such by the Governor of the Commonwealth of Pennsylvania.

Section 2. Subsections (c), (d) and (e) of section 602 of the act, amended September 27, 1973 (P.L.249, No.71), are amended to read:

Section 602. Measure of Damages.—* * *

(c) In case of the condemnation of property in connection with any program or project which property is damaged by [floods] any natural disaster, the damage resulting therefrom shall be excluded in determining fair market value of the condemnee's entire property interest therein immediately before the condemnation.

(d) In the case of property which was damaged by [the floods of September, 1971 and June, 1972] any natural disaster, an acquiring agency may acquire the entire property interest of a condemnee, except any improvements made since the date of [the floods] such natural disaster, and reconvey to the condemnee a portion of the property interest taken; in which case the damage shall be the difference between the value of the property interest acquired, excluding [flood] damage resulting from such natural disaster, and the value of the property interest reconveyed. For the purposes of this act, all mobile homes which were in use as dwellings and were destroyed, demolished or damaged beyond reasonable repair by [the] any natural [disasters of September 1971 and June 1972] disaster shall be considered to be real property.

(e) Subsections (c) and (d) are applicable only where the [flood] damage resulting from such natural disaster has occurred within three years prior to the initiation of negotiations for or notice of intent to acquire or order to vacate the property and during the ownership of the property by the condemnee. The [flood] damage to be excluded shall include only

actual physical damage to the property for which the condemnee has not received any compensation or reimbursement.

Section 3. This act shall take effect immediately and shall apply to all programs or projects containing property damaged by any natural disaster which has occurred since September 1971, including the Great Flood of July, 1977.

APPROVED—The 13th day of July, A. D. 1979.

DICK THORNBURGH