

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 255 Session of
2023

INTRODUCED BY MERSKI, SIEGEL, MADDEN, HILL-EVANS, SANCHEZ,
CEPEDA-FREYTIZ, PROBST, HARKINS, CONKLIN, TAKAC, GERGELY,
FLEMING AND GREEN, MARCH 10, 2023

AS REPORTED FROM COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,
HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24, 2023

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in neighborhood blight reclamation and
3 revitalization, providing for ~~municipal property maintenance~~ <--
4 ~~code assistance; and establishing the Municipal Property~~
5 ~~Maintenance Code Assistance Fund.~~ MUNICIPAL CODES ENFORCEMENT <--
6 GRANT PROGRAM; PROVIDING FOR COUNTY PROPERTY MAINTENANCE
7 CODE; IMPOSING PENALTIES; AND MAKING AN APPROPRIATION.

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

10 Section 1. Chapter 61 of Title 53 of the Pennsylvania
11 Consolidated Statutes is amended by adding a ~~subchapter~~ <--
12 SUBCHAPTERS to read: <--

13 SUBCHAPTER B.1

14 MUNICIPAL PROPERTY MAINTENANCE CODE ASSISTANCE CODES ENFORCEMENT <--

15 GRANT PROGRAM AND MUNICIPAL NEIGHBORHOOD MITIGATION FUND

16 Sec.

17 6121. Scope of subchapter.

18 6122. Legislative intent. <--

19 6123 6122. Definitions. <--

1 ~~6124. Code enforcement grant program.~~ <--

2 ~~6125. Imposition of surcharge.~~

3 ~~6126. Municipal Property Maintenance Code Assistance Fund.~~

4 ~~6123. MUNICIPAL CODES ENFORCEMENT GRANT PROGRAM.~~ <--

5 ~~6124. MUNICIPAL NEIGHBORHOOD MITIGATION FUND.~~ <--

6 ~~6125. PENALTY.~~

7 ~~6127 6126. Report to General Assembly.~~ <--

8 ~~6128 6127. Guidelines.~~ <--

9 ~~§ 6121. Scope of subchapter.~~

10 ~~This subchapter relates to municipal property maintenance~~

11 ~~code assistance.~~

12 ~~§ 6122. Legislative intent.~~ <--

13 ~~The purpose of this subchapter is to provide funding for~~

14 ~~individual municipalities, two or more municipalities under~~

15 ~~Subchapter A of Chapter 23 (relating to intergovernmental~~

16 ~~cooperation), councils of governments or a multimunicipal code~~

17 ~~enforcement entity, for the purpose of municipal property~~

18 ~~maintenance code enforcement within that county or region in~~

19 ~~order to prevent and eradicate blighted property conditions.~~

20 ~~§ 6123 6122. Definitions.~~ <--

21 ~~The following words and phrases when used in this subchapter~~

22 ~~shall have the meanings given to them in this section unless the~~

23 ~~context clearly indicates otherwise:~~

24 ~~"Department." The Department of Community and Economic~~

25 ~~Development of the Commonwealth.~~

26 ~~"Fund." The Municipal Property Maintenance Code Assistance~~ <--

27 ~~Fund established under section 6126 (relating to Municipal~~

28 ~~Property Maintenance Code Assistance Fund). A MUNICIPAL~~ <--

29 ~~NEIGHBORHOOD MITIGATION FUND ESTABLISHED UNDER SECTION 6124~~

30 ~~(RELATING TO MUNICIPAL NEIGHBORHOOD MITIGATION FUND).~~

1 "Municipal code" or "code." A building, housing, property
2 maintenance, fire, health or other public safety ordinance,
3 related to the use or maintenance of real property, enacted by a
4 municipality. The term does not include a subdivision and land
5 development ordinance or a zoning ordinance enacted by a
6 municipality.

7 "Municipality." A COUNTY, city, borough, incorporated town, <--
8 township or home rule, optional plan or optional charter
9 municipality or municipal authority within this Commonwealth or
10 any entity formed under Subchapter A of Chapter 23 (relating to
11 intergovernmental cooperation).

12 "PROGRAM." THE MUNICIPAL CODES ENFORCEMENT GRANT PROGRAM <--
13 ESTABLISHED UNDER SECTION 6123 (RELATING TO MUNICIPAL CODES
14 ENFORCEMENT GRANT PROGRAM).

15 "Serious violation." A violation of a code that poses an
16 imminent threat to the health and safety of a dwelling occupant,
17 occupants in surrounding structures or a passerby.

18 ~~§ 6124. Code enforcement grant program~~ 6123. MUNICIPAL CODES <--
19 ENFORCEMENT GRANT PROGRAM.

20 (a) Establishment.--The ~~department~~ MUNICIPAL CODES <--
21 ENFORCEMENT GRANT PROGRAM IS ESTABLISHED IN THE DEPARTMENT. THE
22 PROGRAM shall issue grants to municipalities WITH NO CURRENT <--
23 CODES ENFORCEMENT PROGRAM for the purpose of reducing blighted
24 property conditions through THE ESTABLISHMENT OF: <--

25 ~~(1) the establishment of special code enforcement <--~~
26 ~~programs to address blighted property conditions, where a~~
27 ~~municipal code enforcement program already exists; or~~

28 ~~(2) the establishment of (1) code enforcement programs <--~~
29 ~~and the hiring and training of code enforcement personnel in <--~~
30 ~~those municipalities without an existing code enforcement~~

~~program. TO ACQUIRE RELEVANT CERTIFICATION IN CODE
ENFORCEMENT; AND~~

<--

~~(2) COUNTY PROPERTY MAINTENANCE CODE ENFORCEMENT
PROGRAMS.~~

~~(b) Competitive awards.--The department shall issue grants
under this section to municipalities on a competitive basis
according to the following criteria:~~

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~~(1) The benefit to the municipality of having an
adequately funded and staffed code enforcement department.~~

~~(2) Whether the municipality's building code enforcement
department demonstrates an ability to work cooperatively with
other local code enforcement offices, health departments and
local prosecutorial agencies.~~

~~(3) Whether the municipality demonstrates a financial
need for the grant.~~

~~(4) The overall condition of the real property within
the municipality. THE PROGRAM ON A COMPETITIVE BASIS
ACCORDING TO THE FOLLOWING CRITERIA:~~

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~~(1) WHETHER THE MUNICIPALITY DEMONSTRATES A FINANCIAL
NEED FOR THE GRANTS.~~

~~(2) THE OVERALL CONDITION OF THE REAL PROPERTY WITHIN
THE MUNICIPALITY.~~

~~(3) WHETHER THE MUNICIPALITY HAS AN INTERGOVERNMENTAL
COOPERATION AGREEMENT WITH ANOTHER JURISDICTION FOR JOINT
CODES ENFORCEMENT.~~

~~(c) Eligibility.--In order to receive a grant under this
section, a municipality must submit an application acceptable to
the department and that addresses the criteria established under
subsection (b).~~

~~(d) Matching funds.--A municipality shall provide its own~~

1 funds or in-kind contributions, approved by the department as
2 determined by guidelines established by the department under <--
3 section 6128 (relating to guidelines), equal to the amount of
4 the grant provided, and shall dedicate and expend those funds
5 for the purpose for which the grant was awarded.

6 (e) Limitations.--A grant issued under this section may not:

7 (1) Be provided to the same recipient for more than
8 three consecutive years.

9 (2) Exceed \$100,000.

10 (3) Be used to pay code enforcement personnel unless the
11 individual has acquired relevant certification or training in
12 property maintenance CODES ENFORCEMENT. <--

13 ~~§ 6125. Imposition of surcharge.~~ <--

14 ~~(a) Imposition. Subject to the provisions of subsection~~

15 ~~(b):~~

16 ~~(1) Upon each subsequent inspection by a local code~~
17 ~~official, a surcharge of \$250 shall be imposed on a real~~
18 ~~property owner in violation of one or more provisions of a~~
19 ~~municipal code for which the owner was previously cited for~~
20 ~~violating.~~

21 ~~(2) The surcharge imposed under paragraph (1) shall be~~
22 ~~in addition to any other applicable fees or charges imposed~~
23 ~~and collected by the municipality as provided by law.~~

24 ~~(b) Time to remedy. With the exception of a serious~~
25 ~~violation, a property owner shall have a minimum of 90 days~~
26 ~~following the initial inspection by a local code official to~~
27 ~~remedy a violation of a municipal code, for which the owner was~~
28 ~~previously cited for violating, before the surcharge may be~~
29 ~~imposed.~~

30 ~~(c) Collection.--~~

~~(1) The municipality shall collect the surcharge under subsection (a) and remit the money to the department on a quarterly basis.~~

~~(2) The department shall use the money collected under paragraph (1) to fund the grants issued under section 6124 (relating to code enforcement grant program).~~

~~§ 6126. Municipal Property Maintenance Code Assistance Fund.~~

~~(a) Establishment. The Municipal Property Maintenance Code Assistance Fund is established as a separate fund in the State Treasury. Money in the fund shall be appropriated on a continuing basis to the department for the purposes under subsection (c).~~

~~(b) Deposit. Money collected from the surcharge authorized under section 6125(a) (relating to imposition of surcharge) shall be deposited into the fund.~~

~~(c) Use of fund. The fund shall be used by the department exclusively for the purpose of issuing the grants provided for under section 6124 (relating to code enforcement grant program). The department may utilize up to 10% of the total money collected and deposited into the fund within the fiscal year to cover the administrative costs associated with the program.~~

~~§ 6124. MUNICIPAL NEIGHBORHOOD MITIGATION FUND.~~

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~~(A) ORDINANCE AUTHORIZED.--A MUNICIPALITY WITH AN ESTABLISHED CODE ENFORCEMENT PROGRAM MAY ENACT AN ORDINANCE TO ESTABLISH A MUNICIPAL NEIGHBORHOOD MITIGATION FUND. THE FUND SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION.~~

~~(B) SOURCE OF REVENUE.--THE PENALTY COLLECTED UNDER THIS CHAPTER BY THE MUNICIPALITY SHALL BE DEPOSITED INTO THE FUND.~~

~~(C) USE OF FUND.--THE FUND SHALL BE USED TO MITIGATE CODE VIOLATIONS, INCLUDING, BUT NOT LIMITED TO, DEMOLITION, CLEANUP,~~

1 CLEANING AND SEALING AND MAKING REPAIRS TO BLIGHTED PROPERTY.

2 § 6125. PENALTY.

3 (A) IMPOSITION.--UPON CONVICTION FOR A VIOLATION OF ANY CODE
4 OF THE MUNICIPALITY, THE MUNICIPALITY SHALL IMPOSE A
5 NEIGHBORHOOD MITIGATION PENALTY:

6 (1) FOR A FIRST VIOLATION, IN THE AMOUNT OF AT LEAST \$25
7 AND NOT MORE THAN \$250;

8 (2) FOR A SECOND VIOLATION, IN THE AMOUNT OF AT LEAST
9 \$250 AND NOT MORE THAN \$500; AND

10 (3) FOR A THIRD OR SUBSEQUENT VIOLATION, IN THE AMOUNT
11 OF AT LEAST \$500 AND NOT MORE THAN \$1,000.

12 (B) COLLECTION.--THE PENALTY IMPOSED UNDER THIS SECTION
13 SHALL BE PAYABLE TO THE MUNICIPALITY AND THE MUNICIPALITY SHALL
14 DEPOSIT THE PENALTY COLLECTED INTO THE FUND.

15 § ~~6127~~ 6126. Report to General Assembly.

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16 The department shall submit an annual report to the Urban

17 Affairs and Housing Committee of the Senate and the Urban

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18 ~~Affairs~~ HOUSING AND COMMUNITY DEVELOPMENT Committee of the House

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19 of Representatives concerning the implementation of this

20 subchapter. The report shall include the total amount of money

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21 collected and deposited into the fund as well as the number of

22 grants awarded and the recipients of those grants.

23 § ~~6128~~ 6127. Guidelines.

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24 Within 180 days of the effective date of this section, the

25 department shall establish guidelines to carry out the

26 provisions of this subchapter. The guidelines to implement

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27 section 6124(b) (relating to code enforcement grant program) may

28 include:

29 ~~(1) The age of the existing housing stock in the~~

30 municipality.

~~(2) The municipality's existing tax base.~~

~~(3) The existing financial condition of the
municipality.~~

SUBCHAPTER B.2

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COUNTY PROPERTY MAINTENANCE CODE

SEC.

6131. COUNTY PROPERTY MAINTENANCE CODE.

6132. ENFORCEMENT OF MUNICIPAL PROPERTY MAINTENANCE ORDINANCES.

§ 6131. COUNTY PROPERTY MAINTENANCE CODE.

(A) GENERAL RULE.--A COUNTY MAY ENACT ONE OF THE FOLLOWING:

(1) A PROPERTY MAINTENANCE ORDINANCE THAT INCORPORATES A
STANDARD OR NATIONALLY RECOGNIZED PROPERTY MAINTENANCE CODE
OR A VARIATION, CHANGE OR PART OF SUCH CODE, PUBLISHED AND
PRINTED IN BOOK FORM, WITHOUT INCORPORATING THE TEXT OF THE
CODE IN THE ORDINANCE.

(2) A STANDARD OR NATIONALLY RECOGNIZED PROPERTY
MAINTENANCE CODE OR A VARIATION, CHANGE OR PART OF SUCH CODE
AS THE COUNTY'S PROPERTY MAINTENANCE ORDINANCE.

(B) PUBLICATION OF NOTICE.--

(1) AN ORDINANCE UNDER SUBSECTION (A) NEED NOT BE
ADVERTISED AFTER BEING ADOPTED. NOTICE OF THE CONSIDERATION
OF THE ORDINANCE SHALL BE PUBLISHED IN A MANNER THAT GIVES
ADEQUATE NOTICE OF ITS CONTENTS AND A REFERENCE TO THE PLACE
WITHIN THE COUNTY WHERE COPIES OF THE PROPOSED PROPERTY
MAINTENANCE CODE MAY BE EXAMINED OR OBTAINED.

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) SHALL BE
PUBLISHED ONCE IN ONE NEWSPAPER OF GENERAL CIRCULATION AT
LEAST ONE WEEK AND NOT MORE THAN THREE WEEKS PRIOR TO THE
PRESENTATION OF THE PROPOSED PROPERTY MAINTENANCE CODE TO THE
GOVERNING BODY.

1 (3) A PROPERTY MAINTENANCE ORDINANCE THAT INCORPORATES A
2 STANDARD OR NATIONALLY RECOGNIZED PROPERTY MAINTENANCE CODE
3 OR VARIATION SHALL ADOPT A SPECIFIC EDITION AND MAY NOT
4 INCORPORATE FUTURE EDITIONS AUTOMATICALLY.

5 (C) COPIES OF ORDINANCE.--AT LEAST THREE COPIES OF THE
6 ORDINANCE ADOPTED BY THE GOVERNING BODY:

7 (1) SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AND
8 USE DURING BUSINESS HOURS OR TO AN INTERESTED PARTY THAT PAYS
9 THE COST OF COPYING; OR

10 (2) MAY BE FURNISHED OR LENT WITHOUT CHARGE.

11 (D) ADOPTION BY REFERENCE.--A PROPERTY MAINTENANCE CODE
12 ADOPTED BY REFERENCE:

13 (1) NEED NOT BE RECORDED IN OR ATTACHED TO AN ORDINANCE
14 BOOK; AND

15 (2) SHALL BE DEEMED TO HAVE BEEN LEGALLY RECORDED IF THE
16 ORDINANCE BY WHICH THE CODE WAS ADOPTED BY REFERENCE HAS BEEN
17 RECORDED WITH AN ACCOMPANYING NOTATION STATING WHERE THE FULL
18 TEXT OF THE CODE HAS BEEN FILED.

19 (E) FINES AND PENALTIES.--AN ORDINANCE UNDER THIS SECTION
20 MAY PROVIDE FOR REASONABLE PROPERTY FINES AND PENALTIES FOR
21 VIOLATIONS OF THE ORDINANCE.

22 (F) CHANGES TO ORDINANCE.--THE PROCEDURE DESCRIBED IN THIS
23 SECTION RELATING TO THE ADOPTION OF AN ORDINANCE UNDER THIS
24 SECTION MAY BE USED IN AMENDING, SUPPLEMENTING OR REPEALING A
25 PROVISION OF THE ORDINANCE.

26 (G) APPOINTMENT OF PROPERTY MAINTENANCE INSPECTORS.--

27 (1) THE GOVERNING BODY MAY APPOINT PROPERTY MAINTENANCE
28 INSPECTORS WHO MAY ENTER AND INSPECT A PREMISES AT REASONABLE
29 HOURS AND IN A REASONABLE MANNER FOR THE ADMINISTRATION AND
30 ENFORCEMENT OF THE COUNTY'S PROPERTY MAINTENANCE CODE OR

1 ORDINANCE UNDER SUBSECTION (A).

2 (2) A FEE PAYABLE TO A PROPERTY MAINTENANCE INSPECTOR
3 UNDER THE ORDINANCE SHALL, AFTER BEING COLLECTED BY THE
4 PROPERTY MAINTENANCE INSPECTOR, BE TRANSMITTED TO THE COUNTY
5 TREASURER FOR USE OF THE COUNTY.

6 (H) ENFORCEMENT ACTION.--IN ADDITION TO THE PENALTIES
7 PROVIDED BY A PROPERTY MAINTENANCE ORDINANCE, A COUNTY MAY
8 INSTITUTE AN APPROPRIATE ACTION OR PROCEEDING AT LAW OR IN
9 EQUITY TO PREVENT OR RESTRAIN A PROPERTY MAINTENANCE VIOLATION.

10 (I) RELATIONSHIP TO OTHER LAW.--THE POWERS AND DUTIES OF A
11 COUNTY UNDER THIS SECTION SHALL BE IN ADDITION TO THE POWERS AND
12 DUTIES PROVIDED UNDER THE FOLLOWING:

13 (1) THE ACT OF NOVEMBER 26, 2008 (P.L.1672, NO.135),
14 KNOWN AS THE ABANDONED AND BLIGHTED PROPERTY CONSERVATORSHIP
15 ACT.

16 (2) 68 PA.C.S. CH. 21 (RELATING TO LAND BANKS).
17 (J) LIMITATION.--

18 (1) EXCEPT AS PROVIDED IN SECTION 6132 (RELATING TO
19 ENFORCEMENT OF MUNICIPAL PROPERTY MAINTENANCE ORDINANCES),
20 THE POWERS OF THE GOVERNING BODY OF A COUNTY TO ENACT, AMEND
21 AND REPEAL ORDINANCES UNDER THIS SUBCHAPTER SHALL BE LIMITED
22 TO LAND IN THOSE MUNICIPALITIES, WHOLLY OR PARTLY WITHIN THE
23 COUNTY, THAT HAVE NO PROPERTY MAINTENANCE ORDINANCE, BASED IN
24 WHOLE OR IN PART ON A STANDARD OR NATIONALLY RECOGNIZED
25 PROPERTY MAINTENANCE CODE, IN EFFECT AT THE TIME A PROPERTY
26 MAINTENANCE ORDINANCE IS INTRODUCED BEFORE THE GOVERNING BODY
27 OF THE COUNTY AND UNTIL THE MUNICIPALITY'S PROPERTY
28 MAINTENANCE ORDINANCE IS IN EFFECT.

29 (2) THE ENACTMENT OR REVISION OF THE PROPERTY
30 MAINTENANCE ORDINANCE BY A MUNICIPALITY, OTHER THAN THE

1 COUNTY, WHOSE LAND IS SUBJECT TO A COUNTY PROPERTY
2 MAINTENANCE CODE SHALL ACT AS A REPEAL PRO TANTO OF THE
3 COUNTY PROPERTY MAINTENANCE CODE ORDINANCE WITHIN THE
4 MUNICIPALITY ADOPTING THE ORDINANCE, EXCEPT AS PROVIDED IN
5 SECTION 6132.

6 § 6132. ENFORCEMENT OF MUNICIPAL PROPERTY MAINTENANCE
7 ORDINANCES.

8 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), A
9 COUNTY MAY NOT ENFORCE A PROPERTY MAINTENANCE ORDINANCE ADOPTED
10 BY A MUNICIPALITY WITHIN THE COUNTY UNLESS THE COUNTY ENTERS
11 INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE
12 MUNICIPALITY.

13 (B) PAYMENT TO COUNTY.--EXCEPT AS OTHERWISE PROVIDED IN AN
14 INTERGOVERNMENTAL COOPERATION AGREEMENT, A FINE, FORFEITED
15 RECOGNIZANCE OR OTHER FORFEITURE IMPOSED, LOST OR FORFEITED FOR
16 VIOLATION OF A PROPERTY MAINTENANCE ORDINANCE SUBJECT TO COUNTY
17 ENFORCEMENT UNDER THIS SECTION, SHALL BE PAYABLE TO THE COUNTY.

18 SECTION 2. THE SUM OF \$10,000,000 IS APPROPRIATED TO THE
19 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE PURPOSE
20 OF IMPLEMENTING THE MUNICIPAL CODES ENFORCEMENT GRANT PROGRAM,
21 INCLUDING ADMINISTRATIVE COSTS.

22 Section ~~2~~ 3. This act shall take effect in ~~90~~ 180 days.

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