

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, GREEN, MALAGARI AND SALISBURY, MARCH 10, 2023

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 7, 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 Codes Enforcement
4 Grant Program; providing for county property maintenance
5 code; AND imposing penalties; and making an appropriation. <--

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

8 Section 1. Chapter 61 of Title 53 of the Pennsylvania
9 Consolidated Statutes is amended by adding subchapters to read:

10 SUBCHAPTER B.1

11 MUNICIPAL CODES ENFORCEMENT GRANT PROGRAM AND

12 MUNICIPAL NEIGHBORHOOD MITIGATION FUND

13 Sec.

14 6121. Scope of subchapter.

15 6122. Definitions.

16 6123. Municipal Codes Enforcement Grant Program.

17 6124. Municipal neighborhood mitigation fund.

18 6125. Penalty.

1 6126. Report to General Assembly.

2 6127. Guidelines.

3 § 6121. Scope of subchapter.

4 This subchapter relates to municipal property maintenance  
5 code assistance.

6 § 6122. Definitions.

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

10 "Department." The Department of Community and Economic  
11 Development of the Commonwealth.

12 "Fund." A municipal neighborhood mitigation fund established  
13 under section 6124 (relating to municipal neighborhood  
14 mitigation fund).

15 "Municipal code" or "code." A building, housing, property  
16 maintenance, fire, health or other public safety ordinance,  
17 related to the use or maintenance of real property, enacted by a  
18 municipality. The term does not include a subdivision and land  
19 development ordinance or a zoning ordinance enacted by a  
20 municipality.

21 "Municipality." A county, city, borough, incorporated town,  
22 township or home rule, optional plan or optional charter  
23 municipality or municipal authority within this Commonwealth or  
24 any entity formed under Subchapter A of Chapter 23 (relating to  
25 intergovernmental cooperation).

26 "Program." The Municipal Codes Enforcement Grant Program  
27 established under section 6123 (relating to Municipal Codes  
28 Enforcement Grant Program).

29 "Serious violation." A violation of a code that poses an  
30 imminent threat to the health and safety of a dwelling occupant,

1 occupants in surrounding structures or a passerby.

2 § 6123. Municipal Codes Enforcement Grant Program.

3 (a) Establishment.--The Municipal Codes Enforcement Grant  
4 Program is established in the department. The program shall  
5 issue grants to municipalities with no current codes enforcement  
6 program for the purpose of reducing blighted property conditions  
7 through the establishment of:

8 (1) code enforcement programs and the hiring and  
9 training of code enforcement personnel to acquire relevant  
10 certification in code enforcement; and

11 (2) county property maintenance code enforcement  
12 programs.

13 (b) Competitive awards.--The department shall issue grants  
14 under the program on a competitive basis according to the  
15 following criteria:

16 (1) Whether the municipality demonstrates a financial  
17 need for the grants.

18 (2) The overall condition of the real property within  
19 the municipality.

20 (3) Whether the municipality has an intergovernmental  
21 cooperation agreement with another jurisdiction for joint  
22 codes enforcement.

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

27 (d) Matching funds.--A municipality shall provide its own  
28 funds or in-kind contributions, approved by the department as  
29 determined by guidelines established by the department, equal to  
30 the amount of the grant provided, and shall dedicate and expend

1 those funds for the purpose for which the grant was awarded.

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

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

5 (2) Exceed \$100,000.

6 (3) Be used to pay code enforcement personnel unless the  
7 individual has acquired relevant certification or training in  
8 codes enforcement.

9 § 6124. Municipal neighborhood mitigation fund.

10 (a) Ordinance authorized.--A municipality with an  
11 established code enforcement program may enact an ordinance to  
12 establish a municipal neighborhood mitigation fund. The fund  
13 shall comply with the provisions of this section.

14 (b) Source of revenue.--The penalty collected under this  
15 chapter by the municipality shall be deposited into the fund.

16 (c) Use of fund.--The fund shall be used to mitigate code  
17 violations, including, but not limited to, demolition, cleanup,  
18 cleaning and sealing and making repairs to blighted property.

19 § 6125. Penalty.

20 (a) Imposition.--Upon conviction for a violation of any code  
21 of the municipality, the municipality shall impose a  
22 neighborhood mitigation penalty:

23 (1) for a first violation, in the amount of at least \$25  
24 and not more than \$250;

25 (2) for a second violation, in the amount of at least  
26 \$250 and not more than \$500; and

27 (3) for a third or subsequent violation, in the amount  
28 of at least \$500 and not more than \$1,000.

29 (b) Collection.--The penalty imposed under this section  
30 shall be payable to the municipality and the municipality shall

1 deposit the penalty collected into the fund.

2 § 6126. Report to General Assembly.

3 The department shall submit an annual report to the Urban  
4 Affairs and Housing Committee of the Senate and the Housing and  
5 Community Development Committee of the House of Representatives  
6 concerning the implementation of this subchapter. The report  
7 shall include the total amount of grants awarded and the  
8 recipients of those grants.

9 § 6127. Guidelines.

10 Within 180 days of the effective date of this section, the  
11 department shall establish guidelines to carry out the  
12 provisions of this subchapter.

13 SUBCHAPTER B.2

14 COUNTY PROPERTY MAINTENANCE CODE

15 Sec.

16 6131. County property maintenance code.

17 6132. Enforcement of municipal property maintenance ordinances.

18 § 6131. County property maintenance code.

19 (a) General rule.--A county may enact one of the following:

20 (1) A property maintenance ordinance that incorporates a  
21 standard or nationally recognized property maintenance code  
22 or a variation, change or part of such code, published and  
23 printed in book form, without incorporating the text of the  
24 code in the ordinance.

25 (2) A standard or nationally recognized property  
26 maintenance code or a variation, change or part of such code  
27 as the county's property maintenance ordinance.

28 (b) Publication of notice.--

29 (1) An ordinance under subsection (a) need not be  
30 advertised after being adopted. Notice of the consideration

1 of the ordinance shall be published in a manner that gives  
2 adequate notice of its contents and a reference to the place  
3 within the county where copies of the proposed property  
4 maintenance code may be examined or obtained.

5 (2) The notice required under paragraph (1) shall be  
6 published once in one newspaper of general circulation at  
7 least one week and not more than three weeks prior to the  
8 presentation of the proposed property maintenance code to the  
9 governing body.

10 (3) A property maintenance ordinance that incorporates a  
11 standard or nationally recognized property maintenance code  
12 or variation shall adopt a specific edition and may not  
13 incorporate future editions automatically.

14 (c) Copies of ordinance.--At least three copies of the  
15 ordinance adopted by the governing body:

16 (1) shall be made available for public inspection and  
17 use during business hours or to an interested party that pays  
18 the cost of copying; or

19 (2) may be furnished or lent without charge.

20 (d) Adoption by reference.--A property maintenance code  
21 adopted by reference:

22 (1) need not be recorded in or attached to an ordinance  
23 book; and

24 (2) shall be deemed to have been legally recorded if the  
25 ordinance by which the code was adopted by reference has been  
26 recorded with an accompanying notation stating where the full  
27 text of the code has been filed.

28 (e) Fines and penalties.--An ordinance under this section  
29 may provide for reasonable property fines and penalties for  
30 violations of the ordinance.

1 (f) Changes to ordinance.--The procedure described in this  
2 section relating to the adoption of an ordinance under this  
3 section may be used in amending, supplementing or repealing a  
4 provision of the ordinance.

5 (g) Appointment of property maintenance inspectors.--

6 (1) The governing body may appoint property maintenance  
7 inspectors who may enter and inspect a premises at reasonable  
8 hours and in a reasonable manner for the administration and  
9 enforcement of the county's property maintenance code or  
10 ordinance under subsection (a).

11 (2) A fee payable to a property maintenance inspector  
12 under the ordinance shall, after being collected by the  
13 property maintenance inspector, be transmitted to the county  
14 treasurer for use of the county.

15 (h) Enforcement action.--In addition to the penalties  
16 provided by a property maintenance ordinance, a county may  
17 institute an appropriate action or proceeding at law or in  
18 equity to prevent or restrain a property maintenance violation.

19 (i) Relationship to other law.--The powers and duties of a  
20 county under this section shall be in addition to the powers and  
21 duties provided under the following:

22 (1) The act of November 26, 2008 (P.L.1672, No.135),  
23 known as the Abandoned and Blighted Property Conservatorship  
24 Act.

25 (2) 68 Pa.C.S. Ch. 21 (relating to land banks).

26 (j) Limitation.--

27 (1) Except as provided in section 6132 (relating to  
28 enforcement of municipal property maintenance ordinances),  
29 the powers of the governing body of a county to enact, amend  
30 and repeal ordinances under this subchapter shall be limited

1 to land in those municipalities, wholly or partly within the  
2 county, that have no property maintenance ordinance, based in  
3 whole or in part on a standard or nationally recognized  
4 property maintenance code, in effect at the time a property  
5 maintenance ordinance is introduced before the governing body  
6 of the county and until the municipality's property  
7 maintenance ordinance is in effect.

8 (2) The enactment or revision of the property  
9 maintenance ordinance by a municipality, other than the  
10 county, whose land is subject to a county property  
11 maintenance code shall act as a repeal pro tanto of the  
12 county property maintenance code ordinance within the  
13 municipality adopting the ordinance, except as provided in  
14 section 6132.

15 § 6132. Enforcement of municipal property maintenance  
16 ordinances.

17 (a) General rule.--Except as provided in subsection (b), a  
18 county may not enforce a property maintenance ordinance adopted  
19 by a municipality within the county unless the county enters  
20 into an intergovernmental cooperation agreement with the  
21 municipality.

22 (b) Payment to county.--Except as otherwise provided in an  
23 intergovernmental cooperation agreement, a fine, forfeited  
24 recognizance or other forfeiture imposed, lost or forfeited for  
25 violation of a property maintenance ordinance subject to county  
26 enforcement under this section, shall be payable to the county.

27 ~~Section 2. The sum of \$10,000,000 is appropriated to the~~ <--  
28 ~~Department of Community and Economic Development for the purpose~~  
29 ~~of implementing the Municipal Codes Enforcement Grant Program,~~  
30 ~~including administrative costs.~~

1 Section 3 2. This act shall take effect in 180 days.

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