

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in preemptions, providing for
3 protection for victims of abuse or crime; in neighborhood
4 blight reclamation and revitalization, establishing a grant
5 program for municipalities to establish code enforcement
6 programs and hire code enforcement personnel; providing for
7 powers and duties of the Department of Community and Economic
8 Development; providing for imposition of a surcharge; and
9 establishing the Municipal Property Maintenance Code
10 Assistance Fund.

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

13 Section 1. Title 53 of the Pennsylvania Consolidated
14 Statutes is amended by adding a section to read:

15 § 305. Protection for victims of abuse or crime.

16 (a) Declaration of policy.--The General Assembly finds and
17 declares as follows:

18 (1) It is the public policy of the Commonwealth to
19 ensure that all victims of abuse and crime and individuals in
20 an emergency are able to contact police or emergency
21 assistance without penalty.

1 (2) This section is intended to shield residents,
2 tenants and landlords from penalties that may be levied
3 pursuant to enforcement of an ordinance or regulation if
4 police or emergency services respond to a residence or
5 tenancy to assist a victim of abuse or crime or individuals
6 in an emergency.

7 (3) This section is not intended to prohibit
8 municipalities from enforcing an ordinance or regulation
9 against a resident, tenant or landlord where police or
10 emergency services respond to a residence or tenancy that
11 does not involve assistance to a victim of abuse or crime or
12 individuals in an emergency.

13 (b) Protection.--No ordinance enacted by a municipality
14 shall penalize a resident, tenant or landlord for a contact made
15 for police or emergency assistance by or on behalf of a victim
16 of abuse as defined in 23 Pa.C.S. § 6102 (relating to
17 definitions), a victim of a crime pursuant to 18 Pa.C.S.
18 (relating to crimes and offenses) or an individual in an
19 emergency pursuant to 35 Pa.C.S. § 8103 (relating to
20 definitions), if the contact was made based upon the reasonable
21 belief of the person making the contact that intervention or
22 emergency assistance was necessary to prevent the perpetration
23 or escalation of the abuse, crime or emergency or if the
24 intervention or emergency assistance was actually needed in
25 response to the abuse, crime or emergency.

26 (c) Remedies.--If a municipality enforces or attempts to
27 enforce an ordinance against a resident, tenant or landlord in
28 violation of subsection (b), the resident, tenant or landlord
29 may bring a civil action for a violation of this section and
30 seek an order from a court of competent jurisdiction for any of

1 the following remedies:

2 (1) An order requiring the municipality to cease and
3 desist the unlawful practice.

4 (2) Payment of compensatory damages, provided that a
5 resident, tenant or landlord shall make a reasonable effort
6 to mitigate any damages.

7 (3) Payment of reasonable attorney fees.

8 (4) Payment of court costs.

9 (5) Other equitable relief, including, but not limited
10 to, reinstating a rental license or rental permit, as the
11 court may deem appropriate.

12 (d) Preemption.--This section preempts any local ordinance
13 or regulation insofar as it is inconsistent with this section,
14 irrespective of the effective date of the ordinance or
15 regulation. This section shall not affect or apply to
16 enforcement of the act of October 11, 1995 (1st Sp.Sess.,
17 P.L.1066, No.23), known as the Expedited Eviction of Drug
18 Traffickers Act, or to the enforcement of 18 Pa.C.S. § 7511
19 (relating to control of alarm devices and automatic dialing
20 devices).

21 (e) Definition.--As used in this section, the term
22 "penalize" includes the actual or threatened revocation,
23 suspension or nonrenewal of a rental license, the actual or
24 threatened assessment of fines or the actual or threatened
25 eviction, or causing the actual or threatened eviction, from
26 leased premises.

27 Section 2. Chapter 61 of Title 53 is amended by adding a
28 subchapter to read:

29 SUBCHAPTER B.1

30 MUNICIPAL PROPERTY MAINTENANCE CODE ASSISTANCE

1 Sec.

2 6121. Scope.

3 6122. Legislative intent.

4 6123. Definitions.

5 6124. Code enforcement grant program.

6 6125. Imposition of surcharge.

7 6126. Fund.

8 6127. Report to General Assembly.

9 6128. Guidelines.

10 § 6121. Scope.

11 This subchapter relates to municipal property maintenance
12 code assistance.

13 § 6122. Legislative intent.

14 The purpose of this subchapter is to provide funding for
15 individual municipalities, two or more municipalities under
16 Subchapter A of Chapter 23 (relating to intergovernmental
17 cooperation), councils of governments or a multimunicipal code
18 enforcement entity, for the purpose of municipal property
19 maintenance code enforcement within that county or region in
20 order to prevent and eradicate blighted property conditions.

21 § 6123. Definitions.

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

25 "Department." The Department of Community and Economic
26 Development of the Commonwealth.

27 "Fund." The Municipal Property Maintenance Code Assistance
28 Fund established in this subchapter.

29 "Municipal code" or "code." A building, housing, property
30 maintenance, fire, health or other public safety ordinance,

1 related to the use or maintenance of real property, enacted by a
2 municipality. The term does not include a subdivision and land
3 development ordinance or a zoning ordinance enacted by a
4 municipality.

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

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

13 § 6124. Code enforcement grant program.

14 (a) Establishment.--The department shall issue grants to
15 municipalities for the purpose of reducing blighted property
16 conditions through:

17 (1) The establishment of special code enforcement
18 programs to address blighted property conditions, where a
19 municipal code enforcement program already exists; or

20 (2) the establishment of code enforcement programs and
21 the hiring and training of code enforcement personnel in
22 those municipalities without an existing code enforcement
23 program.

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

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

29 (2) Whether the municipality's building code enforcement
30 department demonstrates an ability to work cooperatively with

1 other local code enforcement offices, health departments and
2 local prosecutorial agencies.

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

5 (4) The overall condition of the real property within
6 the municipality.

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

11 (d) Matching funds.--A municipality shall provide its own
12 funds or in-kind contributions, approved by the department as
13 determined by guidelines established by the department under
14 section 6128 (relating to guidelines), equal to the amount of
15 the grant provided, and shall dedicate and expend those funds
16 for the purpose for which the grant was awarded.

17 (e) Limitations.--

18 (1) Grants issued under this section shall not be
19 provided to the same recipient for more than three
20 consecutive years.

21 (2) A grant issued under this section may not exceed
22 \$100,000.

23 (3) No grant issued under this section may be used to
24 pay code enforcement personnel unless the individual has
25 acquired relevant certification or training in property
26 maintenance.

27 § 6125. Imposition of surcharge.

28 (a) Imposition.--Subject to the provisions of subsection

29 (b):

30 (1) Upon each subsequent inspection by a local code

1 official, a surcharge of \$250 shall be imposed on a real
2 property owner in violation of one or more provisions of a
3 municipal code for which the owner was previously cited for
4 violating.

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

8 (b) Time to remedy.--With the exception of a serious
9 violation, a property owner shall have a minimum of 90 days
10 following the initial inspection by a local code official to
11 remedy a violation of a municipal code, for which the owner was
12 previously cited for violating, before the surcharge may be
13 imposed.

14 (c) Collection.--

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

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

21 § 6126. Fund.

22 (a) Establishment.--The Municipal Property Maintenance Code
23 Assistance Fund is established within the State Treasury.

24 (b) Deposit.--Money collected from the surcharge authorized
25 under section 6125(a) (relating to imposition of surcharge)
26 shall be deposited in the fund.

27 (c) Use of funds.--The fund shall be used by the department
28 exclusively for the purpose of issuing the grants provided for
29 under section 6124 (relating to code enforcement grant program).
30 The department may utilize up to 10% of the total money

1 collected and deposited in the fund within the fiscal year to
2 cover the administrative costs associated with the program.
3 § 6127. Report to General Assembly.

4 The department shall submit an annual report to the Urban
5 Affairs and Housing Committee of the Senate and the Urban
6 Affairs Committee of the House of Representatives concerning the
7 implementation of this subchapter. The report shall include the
8 total amount of money collected and deposited into the fund as
9 well as the number of grants awarded and the recipients of those
10 grants.

11 § 6128. Guidelines.

12 Within 180 days of the effective date of this section, the
13 department shall establish guidelines to carry out the
14 provisions of this subchapter. The guidelines to implement
15 section 6124(b) (relating to code enforcement grant program) may
16 include, but not be limited to:

17 (1) The age of the existing housing stock in the
18 municipality.

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

20 (3) The existing financial condition of the
21 municipality.

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