

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 496 Session of 1999

INTRODUCED BY CONTI, GREENLEAF, TOMLINSON AND COSTA, FEBRUARY 26, 1999

AS AMENDED ON THIRD CONSIDERATION, APRIL 20, 1999

AN ACT

1 Conferring limited eminent domain power upon certain economic
2 development financing authorities.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Economic
7 Development Eminent Domain Law.

8 Section 2. Definitions.

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

12 "Authority." A public instrumentality of the Commonwealth
13 and a body politic and corporate created pursuant to section 4
14 of the act of August 23, 1967 (P.L.251, No.102), known as the
15 Economic Development Financing Law, HAVING A PRINCIPAL PLACE OF <—
16 BUSINESS IN A SECOND CLASS A COUNTY AND HAVING JURISDICTION OVER
17 AT LEAST ONE CLOSED MILITARY FACILITY COMPRISING IN EXCESS OF
18 500 ACRES.

1 "Blighted ~~property.~~" AREA." Includes any of the following: ←

2 (1) Any premises which because of physical condition or
3 use is regarded as a public nuisance at common law or has
4 been declared a public nuisance in accordance with the local
5 housing, building, plumbing, fire and related codes.

6 (2) Any premises which because of physical condition,
7 use or occupancy is considered an attractive nuisance to
8 children, including, but not limited to, abandoned wells,
9 shafts, basements, excavations, and unsafe fences or
10 structures.

11 (3) Any dwelling which because it is dilapidated,
12 unsanitary, unsafe, vermin-infested or lacking in the
13 facilities and equipment required by the housing code of the
14 municipality, has been designated by the department
15 responsible for enforcement of the code as unfit for human
16 habitation.

17 (4) Any structure which is a fire hazard, or is
18 otherwise dangerous to the safety of persons or property.

19 (5) Any structure from which the utilities, plumbing,
20 heating, sewerage or other facilities have been disconnected,
21 destroyed, removed, or rendered ineffective so that the
22 property is unfit for its intended use.

23 (6) Any vacant or unimproved lot or parcel of ground in
24 a predominantly built-up neighborhood, which by reason of
25 neglect or lack of maintenance has become a place for
26 accumulation of trash and debris, or a haven for rodents or
27 other vermin.

28 (7) Any unoccupied property which has been tax
29 delinquent for a period of two years.

30 (8) Any property which is vacant but not tax delinquent,

1 which has not been rehabilitated within one year of the
2 receipt of notice to rehabilitate from the appropriate code
3 enforcement agency.

4 (9) Any property which is part of a closed military
5 facility and which requires extensive infrastructure and
6 other building improvements to be fit for its intended
7 commercial or industrial reuse.

8 "Residential and related use." Includes residential property
9 for sale or rental and related uses, including, but not limited
10 to, park and recreation areas, neighborhood community service,
11 and neighborhood parking lots.

12 Section 3. Eminent domain.

13 (a) Power conferred.--In addition to the powers contained in
14 the act of August 23, 1967 (P.L.251, No.102), known as the
15 Economic Development Financing Law, an authority ~~having a~~ ←
16 ~~principal place of business in a second class A county and~~
17 ~~having jurisdiction over at least one closed military facility~~
18 ~~comprising in excess of five hundred acres~~ shall have the power
19 to acquire by eminent domain any real property and fixtures
20 appurtenant thereto within the borders of a former military
21 facility for the purposes set forth in this act.

22 (b) Title to property.--Title to property acquired by an
23 authority through eminent domain pursuant to this act shall be
24 an absolute or fee simple title, unless a lesser title shall be
25 designated in the eminent domain proceedings. ~~The authority may~~ ←
26 ~~exercise the right of eminent domain in the manner provided by~~
27 ~~law for the exercise of such right by second class A counties.~~
28 If any of the real property to be acquired has, prior to
29 acquisition, been devoted to another public use, it may,
30 nevertheless, be acquired by condemnation, except that no real

1 property belonging to a ~~city, to a county~~ POLITICAL SUBDIVISION <—
2 or to the Commonwealth may be acquired without the consent of
3 the ~~city, county~~ POLITICAL SUBDIVISION or the Commonwealth. No <—
4 real property belonging to a public utility corporation may be
5 acquired without the approval of the Public Utility Commission.
6 Section 4. Blighted property.

7 (a) General rule.--In addition to the powers contained in
8 the act of August 23, 1967 (P.L.251, No.102), known as the
9 Economic Development Financing Law, and subject to section 3 of
10 this act, an authority shall have the power to acquire, by
11 purchase, gift, bequest, eminent domain or otherwise, blighted
12 ~~property~~ AREAS located either within or outside of a certified <—
13 redevelopment area. An authority also shall have the power to
14 hold, clear, manage and dispose of blighted ~~property~~ AREAS for <—
15 residential and related reuse and for commercial or industrial
16 reuse. This power shall be exercised in accord with the
17 procedures set forth in this act.

18 (b) Property review committee.--The power conferred in
19 subsection (a) shall be conditioned upon creation or existence
20 of a property review committee by resolution of the governing
21 body of the county where the property is located, and the review
22 committee shall be responsible for determining whether the
23 property constitutes ~~blighted property~~ A BLIGHTED AREA. The <—
24 committee shall be made up of members as determined in the
25 resolution, but shall include at least one member of the
26 governing body of the county, a representative of the authority,
27 a representative of the appropriate county planning commission,
28 and a representative to be designated by the chief executive
29 officer or officers from the executive branch of the government
30 of the municipality.

1 (c) Rules for certification.--The property review committee,
2 upon making a determination that any ~~property~~ AREA is blighted, ←
3 must certify the blighted ~~property~~ AREA to the authority, except ←
4 that:

5 (1) No property shall be certified to the authority
6 unless it is vacant or substantially vacant.

7 (2) No property shall be certified to the authority
8 unless the owner of the property or an agent designated by
9 the owner for receipt of service of notices has been served
10 with notice of the determination that the property is
11 blighted, together with an appropriate order to eliminate the
12 conditions causing the blight and notification that failure
13 to do so may render the property subject to condemnation
14 under this act. The notice shall be served upon the owner or
15 his agent in accord with the provisions of a local ordinance
16 pertaining to service of notice of determination of a public
17 nuisance. The owner or his agent shall have the right of
18 appeal from the determination in the same manner as an appeal
19 from the determination of public nuisance.

20 (3) No blighted ~~property~~ AREA shall be certified to the ←
21 authority until the time period for appeal has been expressly
22 waived or has expired and no appeal has been taken, or if an
23 appeal has been taken, until the appeal has been disposed of
24 and the owner or his agent has failed to comply with the
25 order of the responsible department, officer or agency.

26 (d) Resolution required.--Power of eminent domain shall be
27 exercised pursuant to a resolution of the authority and the
28 procedure set forth in the act of June 22, 1964 (Sp.Sess.,
29 P.L.84, No.6), known as the Eminent Domain Code.
30 Section 5. Effective date.

1 This act shall take effect immediately.