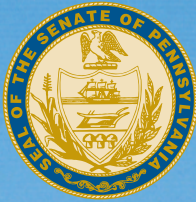


# **Committee Report**

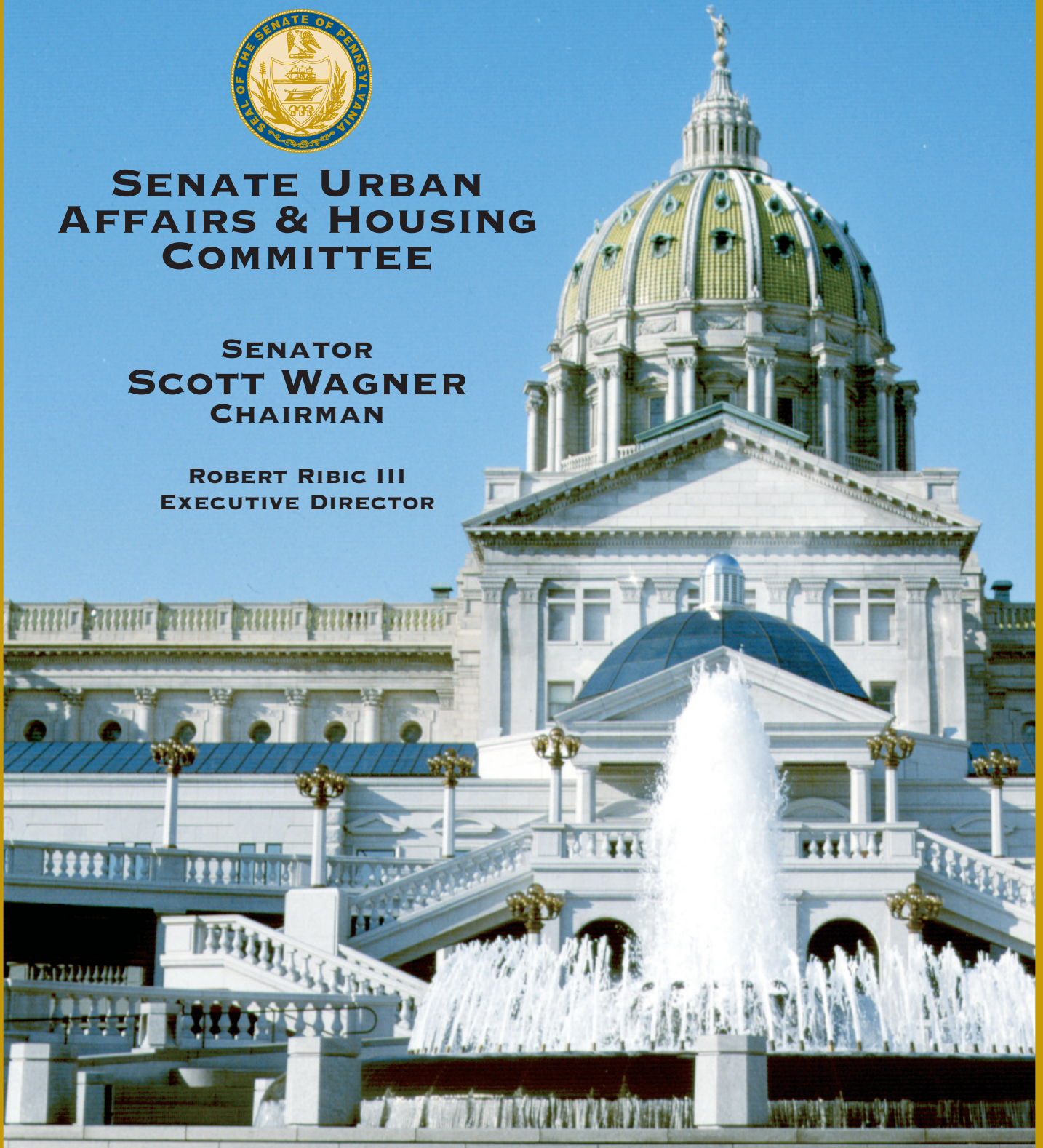
## **Legislative Session 2015-2016**



### **SENATE URBAN AFFAIRS & HOUSING COMMITTEE**

**SENATOR  
SCOTT WAGNER  
CHAIRMAN**

**ROBERT RIBIC III  
EXECUTIVE DIRECTOR**





# SENATE URBAN AFFAIRS & HOUSING COMMITTEE

SENATOR SCOTT WAGNER, CHAIRMAN

ROBERT RIBIC III, EXECUTIVE DIRECTOR

SENATE BOX 203028 • STATE CAPITOL BUILDING • HARRISBURG, PA 17120 • 717.787.3817

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## LEGISLATIVE ACCOMPLISHMENTS

*Legislative Session 2015 – 2016*

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## LEGISLATIVE ACCOMPLISHMENTS

*Legislative Session 2015 – 2016*

November 16, 2016

Dear Colleague:

Enclosed is a Committee Report of the Legislative Accomplishments of the Pennsylvania Senate Urban Affairs and Housing Committee within the 2015 – 2016 legislative session. The purpose of this report is to show the progress of the Senate Urban Affairs and Housing Committee since my appointment as Chairman in January of 2015. My goal as Chairman was to address a number of key issues facing our Commonwealth including: fighting blight, resolving issues in planned communities, promoting community revitalization, as well as creating awareness of key social issues facing our commonwealth today regarding non-discrimination policies, assisting victims of domestic violence, helping homeless veterans in regard to housing and providing for greater disclosure in the purchasing of real property in the Commonwealth. The Pennsylvania Senate Urban Affairs and Housing Committee worked tirelessly to enact 11 bills into law and 1 Resolution, in order to improve the quality of life for every Pennsylvanian. As Chairman, I wanted to make my colleagues and constituents aware of our progress, accomplishments and bi-partisan efforts in creating a better Pennsylvania for everyone.

A blue ink signature, likely of Senator Scott Wagner, consisting of stylized, overlapping loops and a long horizontal stroke.

Pennsylvania Senator Scott Wagner  
28th Senatorial District – York County





# SENATE URBAN AFFAIRS & HOUSING COMMITTEE

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## Committee Overview

The Pennsylvania Senate Urban Affairs and Housing Committee is one of 22 standing committees within the Senate of Pennsylvania, it is tasked with conducting Senate business related to specialized areas of legislative interest. The Senate Urban Affairs and Housing Committee plays an integral role in managing legislation that affects the lives of many Pennsylvanians and the members of the Committee are charged with writing, developing and passing legislation within the Committee's jurisdiction. Pennsylvania Consolidated Statute Title 68 (Real and Personal Property) is what outlines the Senate Urban Affairs and Housing Committee's jurisdiction, giving the Committee purview over legislation and resolutions relating to the following subjects:

- Uses of Real Property
- Transference of Real Property
- Standards and Inspections of Real Property
- Seller Disclosure of Real Property
- Protection of Purchasers of Real Property
- Vacant and Unimproved Public Lands
- Public Housing
- Urban Development
- Land Banks
- Condominiums
- Cooperatives
- Planned Communities

The Senate Urban Affairs and Housing Committee also oversees the operations of a state-affiliated agency, known as the Pennsylvania Housing Finance Agency (PHFA), which was established to promote the health, safety and welfare of the people of the Commonwealth by broadening the market for housing and was created as a public corporation and government instrumentality that is governed by a 14-member board.



**Senator Wagner asking questions at a committee hearing.**

Since its creation, PHFA has generated more than \$12.6 billion of funding for nearly 164,000 single-family home mortgage loans, helped fund the construction of 129,322 rental units, and saved the homes of nearly 48,600 families from foreclosure. PHFA programs and operations are funded primarily by the sale of securities and from fees paid by program users, not by public tax dollars.

To see what the Pennsylvania Senate Urban Affairs and Housing Committee has recently worked on and what they are currently working on visit:

<http://urbanaffairs.pasenategop.com/>.

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## Synopsis

Senator Scott Wagner, Chairman of the Pennsylvania Senate Urban Affairs and Housing Committee, has worked in a bipartisan effort with Minority Chairman Senator Wayne Fontana to pass meaningful legislation to address a number of issues including: fighting blight, resolving issues in planned communities, promoting community revitalization, as well as, creating awareness of key social issues facing our commonwealth today regarding non-discrimination policies, assisting victims of domestic violence, helping homeless veterans in regard to housing and providing for greater disclosure in the purchasing of real property in the Commonwealth. This is a synopsis of the work conducted by the Pennsylvania Senate Urban Affairs and Housing Committee through the 2015 – 2016 legislative session.

The Pennsylvania Senate Urban Affairs and Housing Committee worked in a bi-partisan effort to enact 11 pieces of legislation into law and one Resolution, in order to improve the quality of life for every Pennsylvanian. The committee also worked with House of Representatives on two companion bills regarding the Housing Trust Fund and Timeframes for Property Purchasers to Comply with Municipal Codes and Ordinances.

The committee also considered legislation regarding blighted properties, planned communities and a ban on spot appeals of assessments, two of which were passed unanimously out of the Senate.

Furthermore, the committee highlighted and focused on social issues facing our Commonwealth with the consideration of Senate Bill 1307 to prohibit discrimination based on sexual orientation, gender identity or expression in regard to housing accommodation and commercial property, as well as, Senate Bill 1387 which mirrored Federal law to require housing authorities to relocate victims of domestic violence.

Finally the committee looked at three pieces of legislation addressing issues within the disclosure process of selling or renting real property in the Commonwealth. During the 2015 – 2016 legislative session the Pennsylvania Senate Urban Affairs and Housing Committee moved twenty-five pieces of legislation out of committee, all but two were voted out unanimously, a tribute to the members' effort to work in a bi-partisan manner and the committee's leadership working in a deliberant, transparent environment.

## Enacted Urban Affairs & Housing Legislation

### Act 6 of 2015 - House Bill 341

#### Real Estate Disclosure Form-Storm

#### Water Facilities

*(Representative Gingrich)*

This legislation amended the Real Estate Seller Disclosure Law (Title 68, Ch. 73) to further provide for the contents of a property disclosure statement to a residential real estate purchaser by including:

- Information about known sinkholes on the property
- Location and condition of storm water facilities
- Statement on whether the property owner or another party is responsible for ongoing maintenance of the storm water facility

A "Storm water facility" is defined as a basin, pond, ditch, drain, swale, culvert, pipe or other manmade feature of land which was constructed in accordance with Federal, State or Local law or regulation to temporarily or permanently convey or manage storm water.



**Storm Water Facilities**

Revisions to the property disclosure statement must be promulgated by the State Real Estate Commission within 120 days of the bill's effective date as a final-omitted regulation under the Regulatory Review Act.



**Rep. Maureen Gingrich**

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## Act 34 of 2015 - Senate Bill 330

### Code Violations for Dilapidated Properties (Senator Ward)

This legislation amends Title 18 (Crimes and Offenses) and Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in regards to neighborhood blight reclamation and revitalization, providing for failure to comply with a code requirement in neighborhood blight reclamation and revitalization. A “code requirement” is a building, housing or property maintenance code or ordinance of a municipality. This legislation also repeals the offense of municipal housing code avoidance under section 7510 of the Crimes Code and amends the Municipalities Code to establish the offense of failure to comply with a code requirement. Senate Bill 330 also stipulates that an owner of real property commits the offense of failure to comply with a code requirement if:



**Senator Kim Ward**

- The owner of real property has been convicted of a second or subsequent serious violation of the same provision of a municipal code for the same property
- The violation poses a threat to the public’s health, safety or property and the owner has not taken a substantial step to correct the violation
- The violation is considered a public nuisance

Furthermore, Senate Bill 330 grades the offenses:

- A second degree misdemeanor if the offense is a second conviction of a serious violation of the same provision of a municipal code relating to the same property
- A first degree misdemeanor if the offense is based on three or more convictions of serious violations of the same provision of a municipal code relating to the same property



**Code Violations**

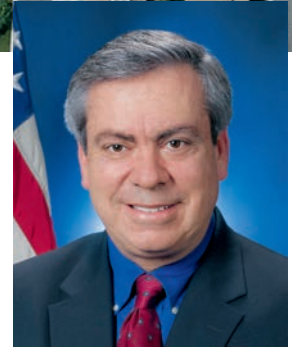
## Act 37 of 2015 - Senate Bill 687

### Amendments to the Uniform Planned Community Act to Address Shaffer v. Zoning Hearing Board of Chanceford Township Supreme Court Decision Conflict (Senator Browne)



**Planned Communities**

This legislation amends the Uniform Planned Community Act (UPCA) to correct a conflict which was created by the Pennsylvania Supreme Court decision *Shaffer v. Zoning Hearing Board of Chanceford Township*. The *Shaffer* court case relates to Chanceford



**Senator Pat Browne**

Township’s rejection of the creation of a planned community and conveyance of parcels among family members of an individual property owner. Because there was no genuine intention to create an actual planned community by the property owner, the municipality’s rejection was understandable. In the course of this rejection, the township took the position, which was adopted by the county court and affirmed by the Commonwealth Court, that the creation of a planned community fell within the definition of land development under the Pennsylvania Municipalities Planning Code (MPC). The Pennsylvania Supreme Court affirmed the decision of the lower court without an opinion. In rendering this decision, the Supreme Court did not address a conflict between the MPC and the Uniform Planned Community Act, both of which provide for the regulation of planned communities. This conflict will jeopardize the validity of many of these common ownership communities throughout the state, putting their title insurance policies and lending/financing at risk. Ultimately it has also impeded financing of commercial and industrial projects throughout the Commonwealth, adding to the continuing economic woes of the building industry. While municipal governments play a vital role in regulating the use and development of land under the MPC, the scope of a municipality’s authority



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should not extend to the creation and conveyance of ownership interests in land that has historically fallen under the UPCA and UCA. Before *Shaffer v. Zoning Hearing Board of Chanceford Township*, this statute was used to create planned communities that were not part of a land development or subdivision plan on existing facilities and existing land for estate planning and financing purposes, among others. This legislation clarified that the creation of a planned community out of existing land or facilities would not require municipal approval unless and until new structures or buildings are constructed within the association or community. In addition, this legislation eliminated the unnecessary conflict of legal statutes, protecting those interests historically granted to municipalities, while ensuring the viability of residential and commercial associations and communities throughout the Commonwealth.

## **Act 38 of 2015 - Senate Bill 688**

### **Amendments to the Uniform Condominium Act to Address *Shaffer v. Zoning Hearing Board of Chanceford Township* Supreme Court Decision Conflict**

***(Senator Browne)***

This legislation amends the Uniform Condominium Act to correct a conflict which was created by the Pennsylvania Supreme Court decision *Shaffer v. Zoning Hearing Board of Chanceford Township*. The *Shaffer* court case relates to Chanceford Township's rejection of the creation of a condominium and conveyance of parcels among family members of an individual property owner. Because there was no genuine intention to create an actual condominium by the property owner, the municipality's rejection was understandable. In the course of this rejection, the township took the position, which was adopted by the county court and affirmed by the Commonwealth Court, that the creation of a condominium fell within the definition of land development under the Pennsylvania Municipalities Planning Code (MPC). The Pennsylvania Supreme Court affirmed the decision of the lower court without an opinion. In rendering this decision, the Supreme Court did not address a conflict between the MPC and the Uniform Condominium Act (UCA), both of which provide for the regulation of condominium associations. This conflict will jeopardize the validity of many of these common ownership communities throughout the state, putting their title insurance policies and lending/financing at risk. Ultimately it has also impeded financing of commercial and industrial projects throughout the Commonwealth, adding to the continuing economic woes of the building industry. While municipal governments play a vital role in regulating the use and development of land under the MPC, the scope of a municipality's authority should not extend to the cre-

ation and conveyance of ownership interests in land that has historically fallen under the Uniform Condominium Act. Before *Shaffer v. Zoning Hearing Board of Chanceford Township*, this statute was used to create condominiums that were not part of a land development or subdivision plan on existing facilities and existing land for estate planning and financing purposes, among others. This legislation clarified that the creation of condominium associations out of existing land or facilities would not require municipal approval unless and until new structures or buildings are constructed within the association or community. In addition, this legislation eliminated the unnecessary conflict of legal statutes, protecting those interests historically granted to municipalities, while ensuring the viability of residential and commercial associations and communities throughout the Commonwealth.

## **Act 58 of 2015 - House Bill 792**

### **Housing Trust Fund**

***(Senator Killion)***

This legislation provided funding for the statewide Housing Trust Fund (HTF) - PA Housing Affordability and Rehabilitation Enhancement Fund (PHARE). PHARE's only revenue is from Act 13 Impact Fees and those monies may only be spent in Shale Counties. Revenues generated through impact fees provide resources for home repairs, new construction, rental assistance, home rehabilitation, and demolition. House Bill 792 will expand this funding to all counties including those that receive monies from Act 13. PHARE funds can be used to remediate blight as well as develop homes within reach of



**Senator Tom Killion**

low wage workers and people on fixed income. The HTF will use revenue from the Realty Transfer Tax (RTT) to provide its funding. There will not be an increase in the RTT, nor will it pull revenue out of the General Fund. If the amount of RTT increases over the amount budgeted for the Fiscal Year 2014-15, 40 percent of the increase will go to the HTF and 60 percent will go to the General Fund. The HTF will be capped at \$25 million per year.

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## Act 51 of 2016 - Senate Bill 179

### Hotel Law Consolidation

*(Senator Greenleaf)*

This legislation consolidates several statutes relating to hotels and other lodging establishments. The statutes will become Chapter 13 of Title 48 (Lodging and Housing) of the Pennsylvania Consolidated Statutes. No substantive changes are intended. The statutes consolidated in Chapter 13 cover topics such as the right of hotelkeepers to deny accommodations to persons who refuse to pay, who are disorderly, or who possess controlled substances or illegal firearms as well as the right of a hotelkeeper to eject a person from the premises and to recover for damages to a room. Hotelkeepers must maintain a guest register which shows the name, residence, and date of arrival and departure of guests. The legislation also contains provisions relating to security such as posting notices that guests are required to lock their rooms. There are provisions relating to the use of safes or vaults to store valuables, liability for theft or loss, and baggage left behind. There are also safety-related provisions including one provision regulating tourist camp cabins or trailer heaters and another one regulating cribs when a hotel provides a crib for an infant guest.



**Senator Stewart Greenleaf**

## Act 21 of 2016 - House Bill 1340

### Amendments to Title 68 Clarifying Liens for Assessments and Amendment Declarations

*(Representative White)*

This legislation amends the Pennsylvania Uniform Planned Community Act (UPCA) and the Uniform Condominium Act (UCA) under Title 68 (Real and Personal Property), which governs planned communities, condominium associations and cooperative associations. House Bill 1340 will ensure that these self-governing communities are not affected negatively by a recent U.S. Court of Appeals decision and new federal mortgage underwriting guidelines. As a result of current mortgage underwriting guidelines, a condominium might be ineligible for mortgage financing if the number of rental units in the community exceed fifty (50%) percent. Therefore, to preserve such eligibility status, many condominium associations have adopted amendments to their governing declarations to limit the number of rental units to below 50%. Amendments to declarations govern-

ing condominiums and planned communities are authorized upon an affirmative vote of 67% of the unit owners. However, unanimous consent is required if, the amendment changes the "use to which the unit is restricted." Condominium and homeowner associations rely on unit owner assessments to pay for various obligations imposed on them by their governing documents and the Acts. Continued payment of assessments as well as the ability to collect them, is therefore, vital to these communities. House Bill 1340 will expand the provisions under the UPCA and the UCA to establish that a lien for unpaid assessments are extinguished unless proceedings to enforce the lien or actions or suits to recover sums for which the sections establish a lien are instituted within four years after the assessments become payable, providing an effective mechanism to promote the payment of assessments. The proposed amendments to Section 3315(d) of the UCA and Section 5315(e) of the UPCA in House Bill 1340 will solve the serious problem caused by the decision and enable associations and their members to resolve assessment delinquencies without putting ownership of homes at risk through foreclosure proceedings intended to protect the association's lien position.



**Rep. Martina White**

## Act 116 of 2016 - House Bill 447

### Death of a Tenant

*(Representative Saylor)*

This legislation provided protections to consumers from the "death penalty" contract provision practiced by landlords. Currently, many landlords include a provision in the lease requiring that in the event that a tenant passes away, the estate of the tenant must pay penalties and rent ranging anywhere from one month up to a full year. This legislation will limit the death payment provisions placed on the estate of a deceased tenant and their family. More specifically it removes the estate of the deceased tenant from being liable for any rent that has accrued one month after the tenant's death or upon surrender of the rental unit and removal of all personal property, whichever is later. By placing these provisions into the law we can further protect the families of the deceased from excessive billing practices while providing protections for landlords who are left with



**Rep. Stan Saylor**



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abandoned personal property. While it is possible for the tenants to amend the contract and exclude the death of a tenant provisions, most landlords would not agree to that arrangement due to the financial incentive they have if they were to keep it in the contract, which is why this legislation is necessary.

## **Act 162 of 2016 - Senate Bill 1282**

### **Clarification of Declaration Per Parcel Indexing Fees for Condominiums, Cooperatives & Planned Communities** *(Senator Wagner)*

This legislation Amends sections 3219(c), 4216(c) and 5219(c) of Title 68 of the Pennsylvania Consolidated Statutes referring to amendment of declaration. These three sections are amended by adding the provision: "To the extent that any county office in which such records are maintained may also require the indexing of the amendment by reference to each uniform parcel identifier number assigned to the units within the condominium, then the indexing may not require the payment of any charges, costs or fees in connection therewith." The rationale for adding this provision is to clarify the manner in which a county Recorders of Deeds Office may charge fees for the recording of amendments to declarations of condominiums, cooperatives and planned communities. Many counties have begun to assess indexing fees in a different manner than they have done in the past and are charging fees based upon every unit and unit owner (per parcel) in a condominium, cooperative or planned community.

Furthermore, the fees assessed bear no reasonable relationship to the amount of work involved to perform this service. Merely indexing a declaration amendment against each unit does not warrant duplicative fees.

## **Act 152 of 2016 - Senate Bill 486**

### **County Demolition Funding Program** *(Senator Argall)*

This legislation would allow counties to apply a fee through the Recorder of Deeds office of up to \$15 for each deed and mortgage recorded to be used for a demolition program. Currently, many counties across Pennsylvania are facing a major problem dealing with blighted properties. Some of these properties are beyond repair and are in need of demolition. Many counties lack these needed funds to tear down these blighted properties which are safety hazards. This legislation would change the Recorder of Deeds Fee Law to allow for an additional fee on each deed and mort-

gage recorded, to be used strictly for demolition within that county.



**Demolition of Buildings**

## **Act 133 of 2016 - House Bill 1437**

### **Blight Legislation – 12 Months to Correct Known Code Violations** *(Representative Goodman)*

This legislation changes the Municipal Code and Ordinance Compliance Act to reduce the number of months that a purchaser has to correct known code violations on a property they have purchased, from 18 months to 12 months, to either bring the structure into compliance within 12 months or demolish it (the 12-month statutory compliance period would begin with the settlement or transfer of title or the issuance of a temporary use and occupancy/access certificate). If the purchaser fails to do so, he can be held personally liable for the costs of repairs or demolition and subject to a fine between \$1,000 and \$10,000. However this legislation does not remove the ability of the purchaser to make an agreement with the municipality for a longer period of time to correct the violations if necessary, provided for in Act 99 of 2000. This legislation also further clarifies that those municipalities that have adopted a property maintenance code may enforce the provisions of the code, even if the code requires the purchaser of a building with substantial code violations to bring it into compliance within a shorter time period than the 12 months required under the bill. House Bill 1437 adds definitions to the statute for a "Substantial Violation" to clarify what types of code violations make a structure "Unfit for Human Habitation".

- A **"Substantial Violation"** – A violation of an adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that makes a building, structure or any part thereof unfit for human habitation and is discovered during the course of a municipal inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a municipal report.



**Rep. Neal Goodman**

- **“Unfit For Human Habitation”** - A condition which renders a building, structure, or any part thereof, dangerous or injurious to the health, safety or physical welfare of an occupant or the occupants of neighboring dwellings. The condition may include substantial violations of a property that show evidence of: a significant increase to the hazards of fire or accident; inadequate sanitary facilities; vermin infestation; or a condition of disrepair, dilapidation or structural defects such that the cost of rehabilitation and repair would exceed one-half of the agreed-upon purchase price of the property.

House Bill 1437 also creates a new category of “temporary” certificates, which municipalities would be required to issue as a result of a municipal inspection in conjunction with the resale of the property, regardless of the nature of code violations found.

- A **“Temporary Use and Occupancy Certificate”** must be issued if the inspection reveals a violation of an applicable municipal code or ordinance, but no substantial violation, and is intended to enable the purchaser to fully utilize or reside in the property while correcting the violations.
- A **“Temporary Access Certificate”** must be issued if the inspection were to identify, at least one substantial violation of an applicable municipal code or ordinance, and is intended to permit the purchaser to access the property in order to correct the violations. Although no one would be allowed to occupy the property during this period, the owner would be permitted to store items related to the use and occupancy or needed to correct the violations. (If a re-inspection reveals that the substantial violations have been corrected, but other cited violations remain, the municipality must issue a Temporary Use and Occupancy Certificate, which would be valid for the time remaining on the original Temporary Access Certificate.)

This legislation also creates a new class of property permit called an “access permit”. The access permit shall be granted by the municipality when there is one “substantial violation” found on the property during a municipal inspection. Twelve months after the access permit is granted, a re-inspection shall occur, at which time a use and occupancy permit shall be granted if the violation is remedied. HB1437 clarifies that the 12 month period to remedy a violation begins at the time of issuance of a temporary access certificate or temporary use and occupancy certificate, or at the time of settlement or title transfer. House Bill 1437 also clarifies that a municipality maintains the right to deny a certificate or permit for a building with serious code violations pursuant to the Neighborhood Blight Reclamation and Revitalization Act (Act 90 of 2010), separate from the provisions of this statute. Furthermore, this legislation would also revise the penalty provisions of the Act to stipulate that, failure to make the needed repairs

within the statutory compliance period would result in the revocation of the temporary certificates, in addition to those penalties already provided in the statute. In municipalities with low-income housing, at least 1/3 of revenue derived from code violation fines must be allocated to affordable housing.

## Resolution 421 of 2016

### Resolution asking Congress and the President to review changes to federal floodplain management standards.

*(Senator Argall)*

This resolution addresses an executive order issued in January of 2015 that changed the Federal floodplain management regulations, requiring flood insurance which makes redevelopment and revitalization of older, blighted properties financially straining. As a result, the Pennsylvania Housing Finance Agency is no longer accepting applications for buildings located in designated floodplain areas for the Low-Income Housing Tax Credit (LIHTC) program. This resolution urges the President and the Congress of the United States to review the changes to the Federal floodplain management regulations to assess whether exceptions should be made for potential building projects so that applications can be submitted to the Pennsylvania Housing Finance Agency for review and consideration. Copies of this resolution will be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.



**Senator David G. Argall**



**Senator Mario Scavella - Co-Sponsor  
of Resolution 421 of 2016**

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# Senate Urban Affairs & Housing Companion Legislation

These bills are considered companion legislation because they were identical bills which were introduced in both the Pennsylvania House of Representatives and the Senate, however their counterparts ended up being enacted.

## Senate Bill 566

**Housing Trust Fund - Companion Bill to  
House Bill 792 or Act 58 of 2015**

- ***Passed by the Senate Unanimously  
(49-0) on June 30, 2015.***

***(Senators Elder Vogel Jr & Shirley Kitchen)***

This legislation provides funding for the statewide Housing Trust Fund (HTF) - PA Housing Affordability and Rehabilitation Enhancement Fund (PHARE). PHARE's only revenue is from Act 13 Impact Fees and those monies may only be spent in Shale Counties. This legislation will expand this funding to all counties including those that receive monies from Act 13. PHARE funds can be used to remediate blight as well as develop homes within reach of low wage workers and people on fixed income. The HTF will use revenue from the Realty Transfer Tax (RTT) to provide its funding. There will not be an increase in the RTT, nor will it pull revenue out of the General Fund. If the amount of RTT increases over the amount budgeted for the Fiscal Year 2014-15, 40 percent of the increase will go to the HTF and 60 percent will go to the General Fund. The HTF will be capped at \$25 million per year.



**Senator Elder Vogel**



**Senator Shirley Kitchen**

## Senate Bill 942

**Expediting timeframe for property  
purchasers to comply with municipal codes  
and ordinances - Companion Bill to House  
Bill 1437 or Act 133 of 2016**

- ***Passed by the Senate unanimously  
(49-0) on October 28, 2015.***

***(Senator Argall)***

This legislation would amend Act 99 of 2000, the Municipal Code and Ordinance Compliance Act. In order to help municipalities across the Commonwealth eradicate blight in our communities and give our local officials another tool to assist in their efforts to fight blight. Currently, under the Municipal Code and Ordinance Compliance Act, a purchaser of a building with known code violations has up to 18 months to correct the violations or demolish the building; this legislation will lower the timeframe to 12 months. Furthermore, Senate Bill 942 includes a provision that if a municipality already has a property maintenance code requiring compliance within a shorter timeframe they may enforce their own code. Senate Bill 942 also includes a cross reference to Title 53 PA. C. S. Chapter 61 in regard to the issuance or denial of an occupancy certificate or similar permit. This legislation provides that a municipality may deny an occupancy certificate or similar permit pursuant of Title 53 PA. C. S. Chapter 61 (relating to neighborhood blight reclamation and revitalization).

These pieces of legislation were all passed unanimously out of the Senate Urban Affairs & Housing Committee and were either passed on to the Pennsylvania House of Representatives or were moved to the Senate Appropriations Committee for further consideration.



**Senator Michele Brooks - Co-Sponsor Senate Bill 566**



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# Senate Urban Affairs & Housing Legislation Considered

## Senate Bill 482

### County Demolition and Property Rehab

- *Passed by the Senate Unanimously (49-0) November 23, 2015.*
- *Passed by the Senate Appropriations Committee Unanimously (26-0) October 13, 2015.*
- *Passed by the Senate Urban Affairs & Housing Committee Unanimously (11-0) April 15, 2015.*

*(Senator Argall & Brewster)*

This legislation amends the Real Estate Tax Sale Law, providing for an Optional County Demolition and Rehabilitation Fund. Senate Bill 482 imposes a fee, not to exceed 10 percent, on the final purchase price of a property sold for delinquent taxes, to be used solely for demolition and property rehabilitation purposes for that specific county where the fees are administered. This legislation exempts property sold for delinquent real property taxes to a nonprofit entity, land bank, or government entity and provides each county with the option of imposing a fee through implementation of an ordinance.



Senator Jim Brewster

## House Bill 613

### Deteriorating Property Revitalization

- *Passed by the Senate Appropriations Committee Unanimously (26-0) October 12, 2016.*
- *Passed by the Senate Urban Affairs & Housing Committee Unanimously (11-0) June 24, 2015.*

*(Representative Ward)*

House Bill 613 encourages mixed use redevelopment of blighted and abandoned properties and allows developers and property owners to receive a tax abatement incentive once they apply and are approved to rebuild upon an abandoned or blighted property or in an impoverished area. In this legislation, properties that receive a tax abatement must fulfill specific requirements, such as



Rep. Judy Ward

correcting all code violations, conforming to zoning requirements, and increasing the property value by at least twenty-five percent. Furthermore, properties that receive a tax abatement under this program are prohibited from being exempt from the reality transfer tax unless the property being transferred falls under a certain specific criteria. In order for properties to be considered an impoverished area they must be certified by the Department of Community and Economic Development and approved by the Governor. Under this legislation the incentive program is broken down into yearly increments of tax abatements. Once the ten year mark is hit, the property is assessed and taxed for its full value including increased property value. To ensure that future purchasers are prepared to pay the full tax rate once the ten years is up, developers must submit a “good-faith” estimate when they apply to improve a property. This will make consumers aware of what they will be paying in future years, all the while allowing developers to estimate and organize their own expenses for improvements. If zoning ordinances permit mixed-use development, developers must improve and rebuild properties that align with mixed-use zoning. Mixed-use is a viable step in the right direction to eliminate suburban sprawl, decrease greenhouse gas emissions from automobile use, support urban health through the creation of “walkable” areas, and strengthen economic and community development by encouraging a “live and work” environment for consumers. With the shifting generational changes, cities are



Blighted Buildings

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becoming more popular than traditional suburban living. Thus, it is imperative for mixed-use development to be a focal point for re-development.

## Senate Bill 666

### Reintroduction of Uniform Planned Community Act (UPCA) Transparency

- *Passed by the Senate Unanimously (49-0) July 1, 2016.*
- *Passed by the Senate Urban Affairs & Housing Committee Unanimously (11-0) June 22 2016.*

*(Senator Folmer)*

This legislation amends the Uniform Planned Community Act (UPCA) to create more transparency for planned communities in the Commonwealth. Senate Bill 666 adds a subsection to Section 5310 (Voting; proxies.) of Title 68 to provide for approved methods of voting, via paper ballot, absentee ballot, electronic ballot, Internet-based ballot and other methods made available by the board in order to increase participation.



Senator Mike Folmer

## Senate Bill 877

### Ban Spot Appeals of Assessments

- *Passed by the Senate Urban Affairs & Housing Committee Unanimously (11-0) June 24, 2015.*

*(Senator Argall)*

This legislation would eliminate spot appeals of property assessments in Pennsylvania. Some taxing jurisdictions have used their ability to appeal the assessments of properties to such an extent that the practice seems practically indistinguishable from spot reassessment, which is prohibited by law. School districts, in particular, have been very aggressive in the use of this practice. Spot appeals can increase taxes on residential properties drastically. Furthermore, property owners in certain school districts fear making any improvements to the exterior of their property due to aggressive spot appeals and higher property taxes. This legislation would remove a taxing jurisdiction's ability

to appeal the assessment of a property based solely on the sale of the property. Taxing authorities may only appeal an assessment when the property has gone through a county-wide reassessment, been divided into smaller parcels, or a change in the productive use of the property has occurred. In addition, this legislation would provide a retroactive remedy so that the property owners whose property tax assessments have been increased because of an appeal by a political subdivision could have those assessments reduced to prior levels. Article VIII, Section 1 of the Pennsylvania Constitution states that taxes shall be uniform. Under current law, two homes built in the same year with the same layout in the same condition could have drastically different local tax bills because of when one property was purchased. Senate Bill 877 would restore uniformity in the property assessment process.

## House Bill 1774

### Homeowners Associations and Attorney General's Bureau of Consumer Protection

- *Passed by the Senate Appropriations Committee Unanimously (23-0) October 24, 2016.*
- *Passed by the Senate Urban Affairs & Housing Committee Unanimously (11-0) September 27, 2016*

*(Representative R. M. Brown)*

This legislation applies to all condominiums, cooperatives and planned communities in the Commonwealth. Those established after the effective date of this act shall adopt by-laws which provide for a mediation or an alternative dispute resolution procedure for settling disputes between two or more unit owners or a unit owner and the association. Mediation or alternative dispute resolution procedures shall be limited to disputes where all parties agree to mediation or an alternative dispute resolution. Condominiums, cooperatives and planned communities established before the effective date of this act may adopt bylaws in compliance with this act. Costs and fees associated with mediation or an alternative dispute resolution procedure, excluding attorney fees, shall be assessed equally against all parties to a dispute. Unit owners in good standing (or "proprietary lessee in good standing", in cooperatives) may file a



Rep. R. M. Brown

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complaint with the Bureau of Consumer Protection in the Office of Attorney General in the event of a violation by the declarant or the association of sections 3308 (relating to meetings), 3309 (relating to quorums), 3310 (relating to voting; proxies) and 3316 (relating to association records). However, if a mediation or an alternative dispute resolution procedure is available to the unit owner under the association's declaration, bylaws, rules or regulations, a complaint may not be filed by a unit owner with the Bureau of Consumer Protection until the earlier of:

- The unit owner exhausting the mediation or alternative dispute resolution procedure without a resolution between the unit owner and the association; or
- At least 100 days have passed since the unit owner commenced the mediation or alternative dispute resolution procedure and the unit owner and association having not reached a resolution.

However, a unit owner may file a complaint with the Bureau of Consumer Protection immediately if mediation or an alternative dispute resolution procedure is not available under the bylaws or if the association refuses to participate in the mediation or an alternative dispute resolution procedure set forth in the bylaws. Nevertheless, nothing in this act shall be construed to affect or impair the right of a unit owner, declarant or association to pursue a private cause of action or seek other relief.

This act further amends the Uniform Planned Community Act (UPCA) and the Uniform Condominium Act (UCA) regarding the effect of violations on rights of action. Allowing for the punitive damages, which may be awarded, in the case of a willful violation, if appropriate, the prevailing party may be entitled to an award of costs and reasonable attorney fees.

House Bill 1772 defines a "Unit owner in good standing." as a unit owner who is current in payment of assessments and fines, unless the assessment or fines are directly related to the complaint being filed with the Bureau of Consumer Protection regarding sections 3308 (relating to meetings), 3309 (relating to quorums), 3310 (relating to voting; proxies) and 3316 (relating to association records). The Bill only applies to condominiums and planned communities.

This legislation also defines a "Proprietary lessee in good standing" as a proprietary lessee in good standing who is current in payment of assessments and fines, unless the assessment or fines are directly related to the complaint being filed with the Bureau of Consumer Protection regarding sections 3308 (relating to meetings), 3309 (relating to quorums), 3310 (relating to voting; proxies) and 3316 (relating to association records), only applies to cooperatives.

## Senate Urban Affairs & Housing Social Issues Legislation

### Senate Bill 1307

#### Amending the Pennsylvania Human Relations Act

*(Senator Pat Browne)*

This legislation amends the Pennsylvania Human Relations Act to prohibit discrimination based on sexual orientation, gender identity or expression. "Sexual Orientation" - means heterosexuality, homosexuality or bisexuality. "Gender Identity or Expression" - means the gender-related identity, appearance, mannerisms, expression or other gender-related characteristics of an individual regardless of the individual's designated sex at birth.

Senate Bill 1307 would assure equal opportunities to all individuals and to safeguard their rights to secure housing accommodation and commercial property regardless of race, color, familial status, religious creed, ancestry, age, sex, sexual orientation, gender identity or expression, national origin, handicap or disability, use of guide or

support animals because of blindness or deafness of the user or because the user is a handler or trainer of guide or support animals.

### Senate Bill 1387

#### Amending the Housing Authorities Law to Allow for Relocation of Victims of Domestic Violence

*(Senator Art Haywood)*

This legislation provides that a tenant may submit to the Authority a request to be relocated from the tenant's existing dwelling to another dwelling under the control of the Authority. Then the Authority shall relocate the tenant making the request and any member of



Senator Art Haywood



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the tenant's household requesting to be relocated to another dwelling unit within thirty (30) days of the submission of the request. The term "tenant" shall mean an individual residing in a dwelling unit of the Authority who is any of the following:

- A victim of abuse as defined in 23 Pa.C.S. § 6102 (relating to definitions) who files an affidavit with the Authority stating the affiant's eligibility for a protection from abuse order and further stating that the affiant fears future violent acts by the perpetrator of abuse.
- A victim of sexual violence as defined in 42 Pa.C.S. § 62A03 (relating to definitions) who files an affidavit with the Authority describing the perpetrator's violent actions

or threatened violent actions toward the affiant and further stating that the affiant fears future violent acts by the perpetrator of the sexual violence.

- A victim of stalking who files an affidavit with the Authority describing the perpetrator's course of conduct or repeated actions toward the affiant meeting the criteria enumerated under 18 Pa.C.S. § 2709.1 (relating to stalking) and further stating that the affiant fears future violent acts by the perpetrator of the stalking.
- An individual, other than the perpetrator, who is a member of the same household as the tenant requesting relocation.

## Senate Urban Affairs & Housing Disclosure Legislation

### Senate Bill 20

#### Lead Package: Real Estate Disclosure Forms – Lead in Water and Paint (Senator Wayne Fontana)

This legislation amends the Real Estate Seller Disclosure Law, Title 68 of the Pennsylvania Consolidated Statutes, Chapter 73 (Seller Disclosures) by adding 2 Subsections (18 and 19) to Section 7304(b) to require disclosure of lead contamination found in the drinking water, as well as lead paint in a house built before 1978.



Senator Wayne Fontana

### Senate Bill 141

#### Flood disclosure: Sale

- *Passed by the Senate unanimously (49-0) on June 28, 2016.*

#### (Senator Stewart Greenleaf)

This legislation amends the Real Estate Seller Disclosure Law, Title 68 of the Pennsylvania Consolidated Statutes, Chapter 73 (Seller Disclosures) Section 7304(b) to require disclosure of a property's location in a flood zone or wetlands area and the property's flood history, including the frequency and the extent of flooding. Senate Bill 141 also instructs the State Real



Senator Joe Scarnati  
- Co-Sponsor of Bill 141

Estate Commission to, within 120 days of the effective date, to revise the property disclosure statement so that the statement would show that it conforms to this act.

### Senate Bill 142

#### Flood disclosure: Lease (Senator Stewart Greenleaf)

This legislation amends the Landlord and Tenant Act of 1951, to require disclosure of a property's flood history. Senate Bill 142 states that a landlord entering into a lease of residential real property shall disclose to the prospective tenant the property's flood history, including the frequency and extent of flooding, to the extent actually known by the landlord. The landlord shall also disclose to the prospective tenant that the tenant can determine whether the property is located in a floodplain by contacting the Federal Emergency Management Agency, and the landlord shall provide the address and telephone number of the nearest office of that agency. The disclosures may be given in the lease agreement, however a lease of residential real property shall not be invalidated solely because of the failure of any person to comply with a property's flood history. Nevertheless, any person who willfully or negligently violates the provisions of this section shall be liable in the amount of actual damages suffered by the tenant as a result of the violation, but shall not be construed so as to restrict or expand the authority of a court to impose punitive damages or apply other remedies applicable under any other provision of law. The legislation applies only to residential real property. "Residential Real Property" is defined as a single residential dwelling unit.

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## **Legislative Session 2015 – 2016**

### **Public Hearings**

#### **Joint Informational Hearing on Community Associations in Pennsylvania**

The Community Associations Institute (CAI) presented to the House of Representatives and Senate Urban Affairs & Housing Committees an overview of common interest ownership communities commonly known as homeowners' associations, or condominiums, planned communities, cooperatives, and master associations in the Commonwealth. Steven Sugarman, Esquire, Carl Weiner, Esquire, and CAI Executive Director Anthony Campisi testified on behalf of CAI. They explained that the institute's objective is to provide information and education to community associations across the Commonwealth. Additionally, their mission is to inspire professionalism, effective leadership and responsible citizenship within common interest ownership communities. CAI also discussed the characteristics of common interest ownership communities and the differences between them. They educated the members of both committees on how community associations are formed, identifying the sources of authority, the hierarchy of documents, and the roles that different individuals may hold within community associations. CAI concluded their presentation with an outline of the conflict resolution process within common interest ownership communities, detailing fiduciary duties, standards of care, and dispute resolution procedures.

#### **Public Hearing on Blighted Property (Carroll Township, Washington County)**

Blighted Property refers to buildings and structures that have deteriorated over time and are now inadequate facilities that have become vacant and detrimental to the safety, health, and welfare of the community. Blighted property has become a real problem throughout the Commonwealth, because vacant buildings often become the locations for criminal activities and contribute to decreasing property values of the surrounding community. The following experts provided testimony at the Public Hearing on Blighted Property:

- Gary S. Reed, Rural Development Coordinator of the USDA
- Liz Hersh, Executive Director of the Housing Alliance of Pennsylvania
- Bill McGowen, Executive Director of the Washington County Redevelopment Authority

- Joe Kirk, Executive Director of the Mon Valley Progress Council
- Harlan Shober, Washington County Commissioner
- The Mon Valley Mayors' Association:  
Lou Mavrakis, Mayor of Monessen, Bob Kepics, Mayor of Monongahela & Don Pavelko, Mayor of Donora

At the conclusion of the hearing Chairman Wagner suggested to the Committee that members really need to see the problem of blighted properties with their own eyes so that they can fully grasp the issue and understand its impacts on the local community. Therefore, Chairman Wagner suggested that a bus tour be organized within Washington County so members of the Committee can see blighted property in order to understand the reality of the issue.

#### **Joint Informational Hearing on the Pennsylvania Foreclosure Process**

The Pennsylvania Senate Urban Affairs & Housing Committee joined with the House of Representatives Urban Affairs Committee to hear testimony on the foreclosure process in Pennsylvania so that the members of the Committees and the public can have a transparent view and understanding of the foreclosure process in Pennsylvania. The Committees heard testimony from:

- The Pennsylvania Bankers Association
- Michael McKeever, Founding Shareholder of KML Law Group, and;
  - C.L. Pete Ricker, Senior Vice President of Retail Lending at ACNB Bank

- The Pennsylvania Association of Community Bankers (PACB)
- Paul Adams, General Counsel at Shumaker Williams P.C.

- The Federal Housing Finance Agency (FHFA)
- Alfred Pollard, General Counsel  
The Housing Alliance of Pennsylvania
  - Cindy Daley, Policy Director

- Community Legal Services
- Michael Froehlich, Managing Attorney

At the onset of the joint informational hearing the Committees learned from Michael McKeever and C.L. Pete Ricker the realities of the foreclosure process in Pennsylvania and

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how through legislation the Committees can expedite the timeframe for identifying vacant and abandoned property in foreclosure. Mr. McKeever and Mr. Ricker informed the Committees that currently property which is vacant or abandoned and in foreclosure will take 540 days to complete the foreclosure process. Their legislative proposal would shorten the timeframe by 240 days without violating a property owner's due process, bringing the 540 days, down to just 300 days. Representative Chris Ross pointed out that this legislative proposal would not change the types and efforts of notices in the foreclosure process but would change the timeframe of these notices.

Paul Adams representing PACB stated that any legislation attempting to shorten the timeframe for vacant and abandoned properties has the PACB concerned about the law's "unintended consequences" and that any legislative solution needs to be mindful of a borrower's due process rights so that any lender utilizing whatever legislative solution may be adopted does not subject the lender to judicial challenges to any new procedure.

Alfred Pollard, General Counsel at the Federal Housing Finance Agency (FHFA) which oversees both Fannie Mae & Freddie Mac, highlighted in his testimony a couple of considerations for the Committee Members, regarding the treatment of vacant or abandoned properties:

- **Accelerated Foreclosure of Vacant or Abandoned Properties** - Several states have enacted laws that abbreviate what can be very long foreclosure timelines to permit faster movement to foreclosures if a property is vacant or abandoned. Timelines can be as short as 45 days. Included in these laws are safe-guards or safe harbors that protect city officials or private parties from taking an action based on certain factors that may later be reversed. It is significant, therefore, that a government official indicate that a residence has been determined to be vacant or abandoned pursuant to a published checklist. Such a statute should assure as well that any review or final approval of the accelerated foreclosure is also timely and not put through a process — judicial or otherwise — that vitiates the benefits of an accelerated foreclosure law.
- **Streamlined Rules** - Municipalities and counties can be authorized to accelerate permitting and other procedures to deal with such properties. For example, in many instances demolition is an appropriate action for certain properties. In such cases, local authorities should act to provide early inspections, quick approvals and abbreviate normal procedures to facilitate a properly conducted demolition.
- **Uniformity** - All 67 Pennsylvania counties regulate the foreclosure process independently. The state may wish to consider areas where uniformity could be achieved with vacant and abandoned properties.

At the end of the joint informational hearing both Cindy Daley, Policy Director at the Housing Alliance of Pennsylvania and Michael Froehlich, Managing Attorney, Community Legal Services pointed out the importance of clearly defining vacant and abandon property in legislation, property maintenance standards and safeguarding a homeowner's due process.

## Joint Public Hearing on Homeless Veterans & Housing Issues

The Pennsylvania Senate Urban Affairs & Housing Committee joined with the Senate Veterans Affairs & Emergency Preparedness Committee to hear testimony on homeless veteran issues & veteran housing issues chaired by Senator Vulakovich at Drexel University. Currently in the Senate Urban Affairs & Housing Committee are two bills regarding veterans, Senate Bill 38 and Senate Bill 227:

### Senate Bill 38 - Veterans Closing Cost and Down Payment Assistance (Senator Anthony Williams)

Senate Bill 38 would allow the Pennsylvania Housing Finance Agency (PHFA) to coordinate with the Department of Military and Veterans Affairs (DMVA) to establish a Veterans' Homeownership Assistance Program for veterans who are seeking to purchase a home by providing down payment and/or closing cost assistance made available to a veteran or the surviving spouse of a veteran killed in action who is a first-time homebuyer, regardless of VA loan participation. The financial assistance would take the form of a grant, forgivable loan or deferred no interest loan and will be capped at \$10,000. Eligibility for this assistance will not be limited by income or any type of "means test," the applicant's financial circumstances would just be a factor in determining the type of assistance awarded. In order to establish and execute the Veterans' Homeownership Assistance Program under Senate Bill 38, \$2,500,000 shall be appropriated from the General Fund to PHFA for the period of July 1, 2015, to June 30, 2016, to provide financial assistance to eligible veterans.



**Senator Anthony Williams**



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## Senate Bill 227 - Veterans' Housing Assistance Program

*(Senator John Blake)*

Senate Bill 227 would allow the Department of Military and Veterans Affairs (DMVA) to work in conjunction with the Pennsylvania Housing Finance Agency (PHFA) to establish the Veterans' Housing Assistance Program. This legislation outlines the duties of both DMVA and PHFA, the conditions for enrollment, the financial assistance awarded, the cooperation between DMVA, PHFA, federal departments and local public housing authorities, as well as the appropriations necessary to establish and execute the Veterans' Housing Assistance Program. In order to establish and execute the Veterans' Housing Assistance Program \$12,500,000 shall be appropriated from the General Fund to PHFA and \$500,000 shall be appropriated from the General Fund to DMVA both for the period of July 1, 2015, to June 30, 2016.



**Senator John Blake**

During the joint public hearing the Senate Urban Affairs & Housing Committee and the Senate Veterans Affairs & Emergency Preparedness Committee heard testimony from experts who addressed homeless veteran issues & veteran housing issues on a daily basis. The testifiers included:

- Nicholas Gilliland, Chief  
Division Outreach and Integration of the Pennsylvania Department of Military and Veterans Affairs
- Maura "Mo" Gillen, Deputy Executive Director  
Veterans Multi-Service Center, Inc.

- Bill Fogarty, Director of Government Affairs  
Pennsylvania Housing Finance Agency
- Liz Hersh, Executive Director  
Housing Alliance of Pennsylvania
- Marie Nahikian, Director  
Office of Supportive Housing, City of Philadelphia
- Steven Culbertson, Director  
Veterans and Housing Programs, Impact Services Corp
- Brigid Gallagher, Executive Director & Mental  
Health Director, Philadelphia Veterans House

The Committees learned about the ongoing efforts at national, state and local levels to achieve "Functional Zero" so that every homeless veteran is offered an opportunity to change their circumstances. It was particularly refreshing to hear of all the cooperation that has started to occur, ending unnecessary turf battles. The Committees were impressed by Philadelphia's efforts and accomplishments in ending veteran homelessness and to hear that Philadelphia's efforts will be highlighted at the Pennsylvania Housing Finance Agency (PHFA) event this year. At a time when President Obama has called on the states to end veteran homelessness, it was interesting for the Committees to hear that the Veterans Administration (VA) is ending federal contracts with non-profits that provide assistance to homeless veterans. Organizations like the Philadelphia Veterans House had their funding cut with no explanation from the federal government. The Committees' Chairmen insisted that they will be following up with our federal contacts to recommend that the Veterans Administration (VA) restore funding for the Philadelphia Veterans House. At the conclusion of the hearing the Committees' Chairmen stated that they will continue to promote efforts to assist our veterans across the Commonwealth and after learning more about Senate Bill 38 and Senate Bill 227 the Chairmen will be working together to come up with a hybrid approach to address Veterans' Homeownership and Housing Assistance.

## *Legislative Session 2015 – 2016*

## Tours & Roundtable Discussions

The Pennsylvania Senate Urban Affairs and Housing Committee were taken on 2 tours, one of which included a roundtable discussion. The members of the Pennsylvania Senate Urban Affairs and Housing Committee and their staff visited Royal Square Development and Construction (RSDC) which is headquartered in York City. The committee members and their staff also travelled to Monongahela and Donora in Washington County and Monessen in Westmoreland County to see the effects of blighted property and revitalization efforts, after which the committee held a roundtable discussion on blighted property.

### Royal Square Development and Construction (RSDC) Tour (York City)

The members of the Pennsylvania Senate Urban Affairs and Housing Committee toured RSDC to see how revitalization efforts are working in the Commonwealth. RSDC specializes in restorations by reviving buildings with historic architecture. They provide the community with new jobs, refurbished housing, community programs, and a flourishing economic backdrop, which will ultimately help to revitalize York City. Members of the Senate Urban Affairs & Housing

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Committee received a guided tour of construction projects currently underway. Josh Hankey, President and CEO of RSDC, and Dylan Bauer, Director of Real Estate Development and Property Management at RSDC, showed the members multiple locations within the block of Queen, King, Duke, and Princess Streets. The committee started at RSDC's revitalization of the Bond Building located at 100 South Queen Street. The Bond Building, or the Bond Sanitary Products Building, has been a landmark in York City for decades. Beginning in the 1920's, it served as a car dealership for many brands over the years until violence broke out in York City in the late 1960's, which destroyed the retailing market of downtown York City, making the Bond Building a vacant eyesore. Today, the Bond Building is no longer an eyesore because of the efforts of RSDC. The Bond Building now serves as a host for wedding events and a shared workspace environment called The Union, where the people of York City can rent suites and office space in order to conduct their business in a professional environment. The RSDC tour showed the members of the Senate Urban Affairs & Housing Committee how a local small business can successfully revitalize previously blighted property and positively impact their local community.

## **Bus Tour & Roundtable on Neighborhood Revitalization and Blight**

Chairman Wagner, Vice Chairman Argall and Senator Bartolotta held a public hearing in Washington County, after which Chairman Wagner proposed to do a bus tour of blighted property in the area and then have a roundtable discussion this year, in Monongahela with the local community on neighborhood revitalization and blight in their area. Chairman Wagner stated that "This bus tour will be a great opportunity for members of the Committee and local officials to see with their own eyes the blight problem in our Commonwealth."

Senator Bartolotta explained that "Abandoned and blighted properties create a serious eyesore and can reduce property values for neighboring homeowners and businesses," and that "this discussion allows policymakers and housing experts to explore all of the options currently available to local communities and determine what additional steps are necessary to return blighted properties to productive use."



**Senator Camera Bartolotta**

The bus tour and roundtable started and ended at the Carroll Township Municipal Building in Monongahela (Washington

County), the bus tour viewed blighted property in Donora (Washington County), Monessen (Westmoreland County) and successful revitalization efforts in Monongahela.

Those attending the bus tour and roundtable included: Senator Wagner, Senator Bartolotta, Senator Stefano, Representative Brandon Neuman, Representative Rick Saccone, Mayor Don Pavelko of Donora, Dale Shawley, Donora Borough Council, Mayor Lou Mavrakis of Monessen, Dennis Fisher, Donora Borough Manager, Mayor Dwan Walker of Aliquippa, Washington County Commissioner Harlan G. Shober Jr., Washington County Commissioner Diana Irey Vaughan, Don Henderson, Charleroi Borough Manager, Dr. Quintin Bullock, President, Community College of Allegheny County (CCAC), Cindy Daley, Policy Director, Housing Alliance of Pennsylvania, Joe Kirk, Executive Director, Mon Valley Progress Council, Bill McGowen, Executive Director, Washington County Redevelopment Authority, Claudia Williams, volunteer, Monongahela Aquatorium, Brittany Mekilo, Director of Policy Development (Senator Fontana) and Robert Ribic, Executive Director, Senate Urban Affairs and Housing Committee of Senator Wagner's office.

The bus tour made multiple stops through Donora, Monessen and Monongahela. Mayor Don Pavelko of Donora and Dale Shawley of the Donora Borough Council pointed out troublesome blighted commercial and residential properties on McKean Avenue in Donora.

The bus then stopped at the closed and abandoned Donora Elementary School on Waddell Avenue, where Dr. Quintin Bullock, who is the President of the Community College of Allegheny County (CCAC) spoke about the potential of turning the closed and abandoned Donora Elementary School into a branch campus of CCAC, which would help spur economic growth and development in the local community through revitalization of formerly blighted property.

The bus tour then continued on to the Monongahela Aquatorium in Monongahela. At the Monongahela Aquatorium, Dennis Fisher, Donora Borough Manager spoke about how local governments can obtain grants for revitalization projects like the Monongahela Aquatorium. A volunteer at the Monongahela Aquatorium, Claudia Williams spoke about the history of revitalizing the aquatorium and the community events which draw tourists to a previously blighted area. Senator Bartolotta spoke about the benefits of revitalizing the aquatorium and how it's transformed the surrounding community. Chairman Wagner inquired further about the grant application process which aided in revitalizing the aquatorium. Representative Rick Saccone and Washington County Commissioner Harlan G. Shober Jr. expressed the need now for hotels, so that tourists can stay in the area. Mayor Lou Mavrakis of Monessen then pointed out blighted commercial property on the corner of 5th Street &

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Donner Avenue in Monessen and spoke about the difficulties of finding the property owners of these blighted, abandoned or vacant properties.

The bus tour was then followed by a roundtable held at the Carroll Township Municipal Building to discuss neighborhood revitalization and blight and to hear the concerns of the local community. Chairman Wagner hosted the discussion along with Senator Bartolotta, Representative Rick Saccone, Mayor Lou Mavrakis of Monessen, Mayor Don Pavelko of Donora and Robert Ribic, Executive Director of the Senate Urban Affairs and Housing Committee (Office of

Senator Wagner). Many local leaders spoke about their past efforts to fight blight in Washington County and provided insight on their future plans, along with describing their needs to accomplish them. The roundtable discussion concluded with input from members of the local community, which included questions and ideas about how they can bring economic drivers back to the area, through revitalization efforts.

## ***Legislative Session 2015 – 2016***

# **Chronological Summary: Committee Meetings, Hearings and Tours**

### **February 4, 2015**

#### **Senate Urban Affairs & Housing Committee Meeting (No. 1 of 2015)**

The Senate Urban Affairs & Housing Committee  
Unanimously Passed (11-0):

- [Senate Bill 179](#) - Hotel Law Consolidation (Senator Greenleaf)

### **April 15, 2015**

#### **Senate Urban Affairs & Housing Committee Meeting (No. 2 of 2015)**

The Senate Urban Affairs & Housing Committee  
Unanimously Passed (11-0):

- [Senate Bill 330](#) - Code Violations for Dilapidated Properties (Senator Ward)
- [Senate Bill 486](#) - County Demolition Funding Program (Senator Argall)
- [Senate Bill 482](#) - County Demolition and Property Rehab Fund (Senator Brewster)
- [Senate Bill 566](#) - Housing Trust Fund (Senator Vogel & Senator Kitchen)

### **April 21, 2015**

#### **Joint Informational Hearing on Community Associations in Pennsylvania**

The Community Associations Institute (CAI) Delaware Valley Chapter addressed the House of Representatives Urban Affairs Committee and the Senate Urban Affairs & Housing Committee with an overview of common interest ownership communities, known under Title 68 as condominiums, planned communities, cooperatives, and master associations. Testifiers included:

- Anthony Campisi, Executive Director of Community Associations Institute (CAI)
- Steven Sugarman, Esquire, Steven L. Sugarman & Associates
- Carl Weiner, Esquire, Hamburg, Rubin, Mullin, Maxwell and Lupin

### **April 22, 2015**

#### **Senate Urban Affairs & Housing Committee Meeting (No. 3 of 2015)**

The Senate Urban Affairs & Housing Committee Unanimously Passed (11-0):

- [House Bill 341](#) - Real Estate Disclosure Form - Storm Water Facilities (Representative Gingrich)
- [Senate Bill 688](#) - Amendments to the Uniform Condominium Act to Address Shaffer v. Zoning Hearing Board of Chanceford Township Supreme Court Decision Conflict (Senator Browne)
- [Senate Bill 687](#) - Amendments to the Uniform Planned Community Act to Address Shaffer v. Zoning Hearing Board of Chanceford Township Supreme Court Decision Conflict (Senator Browne)

### **April 23, 2015**

#### **Royal Square Development and Construction (RSDC) Tour (York City, York County)**

Royal Square Development and Construction specializes in restorations, by reviving buildings with historic architecture. They provide the community with new jobs and refurbished housing, which is contributing to the revitalization of York City. Members of the Senate Urban Affairs & Housing Committee received a guided tour of their construction projects currently underway. President and CEO Josh Hankey along with Dylan Bauer, Director of Real Estate Development and



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Property Management showed the members of the committee multiple locations within the block of Queen, King, Duke, and Princess Streets.

### **April 29, 2015**

#### **Public Hearing on Blighted Property (Carroll Township, Washington County)**

Blighted Property refers to buildings and structures that have deteriorated over time and are now inadequate facilities that have become vacant and detrimental to the safety, health, and welfare of the community. Blighted property has become a real problem throughout the Commonwealth, because vacant buildings often become the locations for criminal activities and contribute to decreasing property values of the surrounding community. The following experts provided testimony at the Public Hearing on Blighted Property: Gary S. Reed, Rural Development Coordinator of the USDA, Liz Hersh, Executive Director of the Housing Alliance of Pennsylvania, Bill McGowen, Executive Director of the Washington County Redevelopment Authority, Joe Kirk, Executive Director of the Mon Valley Progress Council, Harlan Shober, Washington County Commissioner, Lou Mavrakis, Mayor of Monessen, Bob Kepics, Mayor of Monongahela and Don Pavelko, Mayor of Donora.

### **June 24, 2015**

#### **Senate Urban Affairs & Housing Committee Meeting (No. 4 of 2015)**

The Senate Urban Affairs & Housing Committee Unanimously Passed (10-0):

- [House Bill 613](#) - Deteriorating Property Revitalization (Representative Ward)

The Senate Urban Affairs & Housing Committee Unanimously Passed (11-0):

- [Senate Bill 877](#) - Ban Spot Appeals of Assessments (Senator Argall)
- [House Bill 447](#) - Death of a Tenant (Representative Saylor)

### **August 11, 2015**

#### **Bus Tour & Roundtable on Neighborhood Revitalization and Blight (Washington County)**

Earlier this year, Chairman Wagner, Senator Argall and Senator Bartolotta held a public hearing in Washington County, where Chairman Wagner proposed to do a bus tour of blighted property in the area and then have a roundtable discussion in Monongahela with the local community on neighborhood revitalization and blight in their area. The bus tour and roundtable started and ended at the Carroll Township Municipal Building in Monongahela. The bus tour viewed blighted property in Donora (Washington County), Monessen (Westmoreland County) and successful revitalization efforts in Monongahela. Those attending the bus tour and roundtable included Senators Wagner, Bartolotta

and Stefano, Representative Brandon Neuman and Representative Rick Saccone along with: Dale Shawley, Donora Borough Council, Dennis Fisher, Donora Borough Manager, Dwan Walker, Mayor of Aliquippa, Lou Mavrakis, Mayor of Monessen, Bob Kepics, Mayor of Monongahela, Don Pavelko, Mayor of Donora, Washington County Commissioner Harlan G. Shober Jr, Washington County Commissioner Diana Irely Vaughan, Dr. Quintin Bullock, President, Community College of Allegheny County (CCAC), Cindy Daley, Policy Director, Housing Alliance of Pennsylvania, Joe Kirk, Executive Director, Mon Valley Progress Council, Bill McGowen, Executive Director, Washington County Redevelopment Authority and Claudia Williams, volunteer, Monongahela Aquatorium. At the roundtable discussion many local leaders spoke about their past efforts to fight blight in Washington County and provided insight on their future plans, along with describing their needs to accomplish them. The roundtable discussion concluded with input from members of the local community.

### **September 28, 2015**

#### **Senate Urban Affairs & Housing Committee Meeting (No. 5 of 2015)**

The Senate Urban Affairs & Housing Committee Unanimously Passed (11-0):

- [Senate Bill 942](#) - Expediting Timeframe for Property Purchasers to Comply with Municipal Codes and Ordinances (Senator Argall)
- [House Bill 792](#) - Housing Trust Fund (Representative Killion)
- [House Bill 1340](#) - Amendments to Title 68 Clarifying Liens for Assessments and Amendment Declarations (Representative White)

### **October 27, 2015**

#### **Joint Informational Hearing on the Pennsylvania Foreclosure Process**

The Pennsylvania Senate Urban Affairs & Housing Committee joined with the House of Representatives Urban Affairs Committee to hear testimony on the foreclosure process in Pennsylvania so that the members of the Committees and the public can have a transparent view and understanding of the foreclosure process in Pennsylvania. The Committees heard testimony from:

- Michael McKeever, Founding Shareholder of KML Law Group  
The Pennsylvania Bankers Association
- C.L. Pete Ricker, Senior Vice President of Retail Lending at ACNB Bank  
The Pennsylvania Bankers Association
- Alfred Pollard, General Counsel  
The Federal Housing Finance Agency (FHFA)

- Paul Adams, General Counsel at Shumaker Williams P.C.  
The Pennsylvania Association of Community Bankers (PACB)
- Cindy Daley, Policy Director  
The Housing Alliance of Pennsylvania
- Michael Froehlich, Managing Attorney  
Community Legal Services

## **November 10, 2015**

### **Joint Public Hearing on Homeless Veterans & Housing Issues (Philadelphia County)**

The Pennsylvania Senate Urban Affairs & Housing Committee joined with the Senate Veterans Affairs & Emergency Preparedness Committee to hear testimony on homeless veteran issues & veteran housing issues chaired by Senator Vulakovich at Drexel University. At the time Senate Bill 38 and Senate Bill 227 were referred to the Senate Urban Affairs & Housing Committee, both of which addressed veterans' issues in housing:

[Senate Bill 38](#) (Senator Williams)  
Veterans Closing Cost and Down Payment Assistance

[Senate Bill 227](#) (Senator Blake)  
Veterans' Housing Assistance Program

During the joint public hearing the Senate Urban Affairs & Housing Committee and the Senate Veterans Affairs & Emergency Preparedness Committee also heard testimony from experts who addressed homeless veteran issues & veteran housing issues on a daily basis. The testifiers included:

- Nicholas Gilliland, Chief, Division Outreach and Integration of the Pennsylvania Department of Military and Veterans Affairs
- Maura "Mo" Gillen, Deputy Executive Director, Veterans Multi-Service Center, Inc.
- Bill Fogarty, Director of Government Affairs, Pennsylvania Housing Finance Agency
- Liz Hersh, Executive Director, Housing Alliance of Pennsylvania
- Marie Nahikian, Director of Office of Supportive Housing, City of Philadelphia
- Steven Culbertson, Director of Veterans and Housing Programs, Impact Services Corp
- Brigid Gallagher, Executive Director & Mental Health Director, Philadelphia Veterans House

## **June 22, 2016**

### **Senate Urban Affairs & Housing Committee Meeting (No. 6 of 2016)**

The Senate Urban Affairs & Housing Committee Unanimously Passed (11-0):

- [Senate Bill 20](#) - Lead Package: Real Estate Disclosure Forms – Lead in Water and Paint (Senator Fontana)

- [Senate Bill 141](#) - Flood Disclosure: Sale (Senator Greenleaf)
- [Senate Bill 142](#) - Flood Disclosure: Lease (Senator Greenleaf)
- [Senate Bill 666](#) - Reintroduction of Uniform Planned Community Act (UPCA) Transparency (Senator Folmer)
- [House Bill 1500](#) - Expanding the Power of Land Banks (Representative Caltagirone)

The Senate Urban Affairs & Housing Committee Passed (10-1):

- [Senate Bill 1282](#) - Clarification of Declaration Per Parcel Indexing Fees for Condominiums, Cooperatives & Planned Communities (Senator Wagner)

The Senate Urban Affairs & Housing Committee Passed (7-4):

- [Senate Bill 20](#) - Freedom from Discrimination in Housing (Senator Fontana)

## **September 27, 2016**

### **Senate Urban Affairs & Housing Committee Meeting (No. 7 of 2016)**

The Senate Urban Affairs & Housing Committee Unanimously Passed (11-0):

- [House Bill 1437](#) - Blight Legislation – 12 Months to Correct Known Code Violations (Representative Goodman)
- [House Bill 1774](#) - Homeowners Associations and Attorney General's Bureau of Consumer Protection (Representative R. M. Brown)

## **September 27, 2016**

### **Senate Urban Affairs & Housing Committee Meeting (No. 8 of 2016)**

The Senate Urban Affairs & Housing Committee Unanimously Passed (11-0):

- [Senate Bill 1387](#) - Amending the Housing Authorities Law to Allow for Relocation of Victims of Domestic Violence (Senator Haywood)
- [Senate Resolution 421](#) - Resolution asking Congress and the President to review changes to federal floodplain management standards (Senator Argall)



# SENATE URBAN AFFAIRS & HOUSING COMMITTEE

**SENATOR SCOTT WAGNER, CHAIRMAN**

ROBERT RIBIC III, EXECUTIVE DIRECTOR

SENATE BOX 203028 • STATE CAPITOL BUILDING • HARRISBURG, PA 17120 • 717.787.3817

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November 16, 2016

Looking back on what the Pennsylvania Senate Urban Affairs and Housing Committee has accomplished, as Chairman I am proud of our committee's efficiency, its effectiveness and productivity. Since my appointment as Chairman, I have reached across the aisle to work in a bi-partisan manner with my colleagues in the Senate, and through that effort we have accomplished and have solved many issues within the Commonwealth. Acting in good faith and transparency, the Pennsylvania Senate Urban Affairs and Housing Committee passed all bills and resolutions out of the committee unanimously, except for two pieces of legislation. That is a record of negotiation and comprise that any committee Chairman would be proud of. It is also an example of how our government is supposed to operate in good faith negotiations, compromises and transparency. The Pennsylvania Senate Urban Affairs and Housing Committee since I have been Chairman has been a deliberate, efficient and transparent mechanism of government. Through a bi-partisan effort we have worked to enact 11 laws and 1 resolution, all of which the members of the Pennsylvania Senate Urban Affairs and Housing Committee approved in order to make Pennsylvania a better place for everyone!



**Senator Scott Wagner**

A blue ink signature of Senator Scott Wagner, consisting of a stylized 'S' followed by a large, sweeping flourish.

Pennsylvania Senator Scott Wagner  
28th Senatorial District – York County



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## *Legislative Session 2015 – 2016*

# Members of the Committee

### REPUBLICANS

Senator Scott Wagner, Chairman  
Senator David Argall, Vice-Chairman  
Senator Joe Scarnati, Ex-Officio  
Senator Camera Bartolotta  
Senator Michele Brooks  
Senator Tom Killion  
Senator Mario Scavello

### DEMOCRATS

Senator Wayne Fontana, Minority Chairman  
Senator John Blake  
Senator Art Haywood  
Senator Shirley Kitchen

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### Officers

**Senator Scott Wagner, Chairman**  
**Republican - Senate District 28**  
**(York County)**

**Sponsored Legislation:** Senate Bill 1282, known as Act 162 of 2016, which clarified the manner in which a county Recorders of Deeds Office may charge fees for the recording of amendments to declarations of condominiums, cooperatives and planned communities.

**Senator Wayne Fontana,**  
**Minority Chairman**  
**Democrat - Senate District 42**  
**(Allegheny County)**

**Sponsored Legislation:** Senate Bill 20, which required that property disclosure statements, that are compulsory by law as a condition of most residential real property transfers, discloses whether lead contamination has been found in the drinking water of a home and/or a house built before 1978 contains lead paint.

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### Majority

**Senator David Argall,**  
**Vice-Chairman**  
**Republican - Senate District 29**  
**(Berks County & Schuylkill County)**

**Sponsored Legislation:** Senate Bill 486, known as Act 152 of 2016 (County Demolition Funding Program), Senate Bill 877 (Ban Spot Appeals of Assessments), Senate Bill 942 (Expediting Timeframe for Property Purchasers to Comply with Municipal Codes and Ordinances) and Senate Resolution 421 (Resolution Asking Congress and the President to Review Changes to Federal Floodplain Management Standards).

**Senator Joe Scarnati, Ex-Officio**  
**President Pro Tempore**  
**Republican - Senate District 25**  
**(Cameron County, Clearfield County, Clinton County, Elk County, Jefferson County,**

**McKean County, Potter County and Tioga County)**

**Co-Sponsored Legislation:** Senate Bill 141 (Flood Disclosure: Sale), Senate Bill 666 (Reintroduction of Uniform Planned Community Act (UPCA) Transparency) and Senate Bill 877 (Ban Spot Appeals of Assessments).

**Senator**  
**Camera Bartolotta**  
**Republican - Senate District 46**  
**(Beaver County, Greene County and Washington County)**

**Co-Sponsored Legislation:** Senate Bill 566 (Housing Trust Fund), Senate Bill 942 (Expediting Timeframe for Property Purchasers to Comply with Municipal Codes and Ordinances), Senate Bill 1282, known as Act 162 of 2016 (Clarification of Declaration Per Parcel Indexing Fees for Condominiums, Cooperatives & Planned Communities).

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## Senator Michele Brooks

**Republican - Senate District 50**  
**(Crawford County, Erie County, Mercer County and Warren County)**

**Co-Sponsored Legislation:** Senate Bill 566 (Housing Trust Fund).

## Senator Tom Killion

**Republican - Senate District 9**  
**(Chester County and Delaware County)**

**Committee Legislation:** House Bill 792, known as Act 58 of 2015 (Housing Trust Fund) which was introduced when Senator Killion was serving as a member of the House of Representatives.

## Senator Mario Scavello

**Republican - Senate District 40**  
**(Monroe County and Northampton County)**

**Co-Sponsored Legislation:** Senate Bill 330, known as Act 34 of 2015 (Code Violations for Dilapidated Properties), Senate Bill 227 (Veterans' Housing Assistance Program), Senate Bill 566 (Housing Trust Fund), Senate Bill 687, known as Act 37 of 2015 (Amendments to the Uniform Planned Community Act and Uniform Condominium Act to address Shaffer v. Zoning Hearing Board of Chanceford Township Supreme Court Decision conflict), Senate Bill 688, known as Act 38 of 2015 (Amendments to the Uniform Planned Community Act and Uniform Condominium Act to address Shaffer v. Zoning Hearing Board of Chanceford Township Supreme Court Decision conflict), Senate Bill 877 (Ban Spot Appeals of Assessments) and Senate Resolution 421 (Resolution Asking Congress and the President to Review Changes to Federal Floodplain Management Standards).

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## Minority

## Senator John Blake

**Democrat - Senate District 22**  
**(Lackawanna County, Luzerne County and Monroe County)**

**Sponsored Legislation:** Senate Bill 227 (Veterans' Housing Assistance Program) and Senate Bill 661 (Statewide Housing Trust Fund: County Opt-In).

## Senator Art Haywood

**Democrat - Senate District 4**  
**(Montgomery County and Philadelphia County)**

**Sponsored Legislation:** Senate Bill 1387 (Amending the Housing Authorities Law to Allow for Relocation of Victims of Domestic Violence).

## Senator Shirley Kitchen

**Democrat - Senate District 3**  
**(Philadelphia County)**

**Sponsored Legislation:** Senate Bill 566 (Housing Trust Fund).